

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5403 offered the following:

2
3 **Conference Committee 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.a. Except as provided in sub-subparagraph b. and
9 subparagraph 2., the party instituting any civil action, suit,
10 or proceeding in the circuit court shall pay to the clerk of
11 that court a filing fee of up to \$395 in all cases in which
12 there are not more than five defendants and an additional filing
13 fee of up to \$2.50 for each defendant in excess of five. Of the
14 first \$280 in filing fees, \$80 must be remitted by the clerk to
15 the Department of Revenue for deposit into the General Revenue
16 Fund, \$195 must be remitted to the Department of Revenue for
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17 deposit into the State Courts Revenue Trust Fund, \$3.50 must be
18 remitted to the Department of Revenue for deposit into the
19 Clerks of the Court Trust Fund within the Justice Administrative
20 Commission and used to fund the Florida Clerks of Court
21 Operations Corporation created in s. 28.35, and \$1.50 must ~~shall~~
22 be remitted to the Department of Revenue for deposit into the
23 Administrative Trust Fund within the Department of Financial
24 Services to fund clerk budget reviews conducted by the
25 Department of Financial Services. One third of any filing fees
26 collected by the clerk of the circuit court in excess of \$100
27 must ~~shall~~ be remitted to the Department of Revenue for deposit
28 into the Clerks of the Court Trust Fund within the Justice
29 Administrative Commission.

30 b. The party instituting any civil action, suit, or
31 proceeding in the circuit court under chapter 39, chapter 61,
32 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
33 753 shall pay to the clerk of that court a filing fee of up to
34 \$295 in all cases in which there are not more than five
35 defendants and an additional filing fee of up to \$2.50 for each
36 defendant in excess of five. Of the first \$180 in filing fees,
37 \$80 must be remitted by the clerk to the Department of Revenue
38 for deposit into the General Revenue Fund, \$95 must be remitted
39 to the Department of Revenue for deposit into the State Courts
40 Revenue Trust Fund, \$3.50 must be remitted to the Department of
41 Revenue for deposit into the Clerks of the Court Trust Fund
42 within the Justice Administrative Commission and used to fund
43 the Florida Clerks of Court Operations Corporation created in s.
44 28.35, and \$1.50 must ~~shall~~ be remitted to the Department of
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45 Revenue for deposit into the Administrative Trust Fund within
46 the Department of Financial Services to fund clerk budget
47 reviews conducted by the Department of Financial Services.

48 c. An additional filing fee of \$4 shall be paid to the
49 clerk. The clerk shall remit \$3.50 to the Department of Revenue
50 for deposit into the Court Education Trust Fund and shall remit
51 50 cents to the Department of Revenue for deposit into the
52 Clerks of the Court Trust Fund within the Justice Administrative
53 Commission to fund clerk education. An additional filing fee of
54 up to \$18 shall be paid by the party seeking each severance that
55 is granted. The clerk may impose an additional filing fee of up
56 to \$85 for all proceedings of garnishment, attachment, replevin,
57 and distress. Postal charges incurred by the clerk of the
58 circuit court in making service by certified or registered mail
59 on defendants or other parties shall be paid by the party at
60 whose instance service is made. ~~No~~ Additional fees, charges, or
61 costs may not ~~shall~~ be added to the filing fees imposed under
62 this section, except as authorized in this section or by general
63 law.

64 2.a. Notwithstanding the fees prescribed in subparagraph
65 1., a party instituting a civil action in circuit court relating
66 to real property or mortgage foreclosure shall pay a graduated
67 filing fee based on the value of the claim.

68 b. A party shall estimate in writing the amount in
69 controversy of the claim upon filing the action. For purposes of
70 this subparagraph, the value of a mortgage foreclosure action is
71 based upon the principal due on the note secured by the
72 mortgage, plus interest owed on the note and any moneys advanced
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73 by the lender for property taxes, insurance, and other advances
74 secured by the mortgage, at the time of filing the foreclosure.
75 The value shall also include the value of any tax certificates
76 related to the property. In stating the value of a mortgage
77 foreclosure claim, a party shall declare in writing the total
78 value of the claim, as well as the individual elements of the
79 value as prescribed in this sub-subparagraph.

80 c. In its order providing for the final disposition of the
81 matter, the court shall identify the actual value of the claim.
82 The clerk shall adjust the filing fee if there is a difference
83 between the estimated amount in controversy and the actual value
84 of the claim and collect any additional filing fee owed or
85 provide a refund of excess filing fee paid.

86 d. The party shall pay a filing fee of:

87 (I) Three hundred and ninety-five dollars in all cases in
88 which the value of the claim is \$50,000 or less and in which
89 there are not more than five defendants. The party shall pay an
90 additional filing fee of up to \$2.50 for each defendant in
91 excess of five. Of the first \$280 in filing fees, \$275 ~~\$80~~ must
92 be remitted by the clerk to the Department of Revenue for
93 deposit into the General Revenue Fund, ~~\$195 must be remitted to~~
94 ~~the Department of Revenue for deposit into the State Courts~~
95 ~~Revenue Trust Fund,~~ \$3.50 must be remitted to the Department of
96 Revenue for deposit into the Clerks of the Court Trust Fund
97 within the Justice Administrative Commission and used to fund
98 the Florida Clerks of Court Operations Corporation created in s.
99 28.35, and \$1.50 must ~~shall~~ be remitted to the Department of
100 Revenue for deposit into the Administrative Trust Fund within
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101 the Department of Financial Services to fund clerk budget
102 reviews conducted by the Department of Financial Services;

103 (II) Nine hundred dollars in all cases in which the value
104 of the claim is more than \$50,000 but less than \$250,000 and in
105 which there are not more than five defendants. The party shall
106 pay an additional filing fee of up to \$2.50 for each defendant
107 in excess of five. Of the first \$785 in filing fees, \$780 ~~\$80~~

108 must be remitted by the clerk to the Department of Revenue for
109 deposit into the General Revenue Fund, ~~\$700 must be remitted to~~
110 ~~the Department of Revenue for deposit into the State Courts~~
111 ~~Revenue Trust Fund~~, \$3.50 must be remitted to the Department of
112 Revenue for deposit into the Clerks of the Court Trust Fund
113 within the Justice Administrative Commission and used to fund
114 the Florida Clerks of Court Operations Corporation described in
115 s. 28.35, and \$1.50 must ~~shall~~ be remitted to the Department of
116 Revenue for deposit into the Administrative Trust Fund within
117 the Department of Financial Services to fund clerk budget

118 reviews conducted by the Department of Financial Services; or

119 (III) One thousand nine hundred dollars in all cases in
120 which the value of the claim is \$250,000 or more and in which
121 there are not more than five defendants. The party shall pay an
122 additional filing fee of up to \$2.50 for each defendant in
123 excess of five. Of the first \$1,785 in filing fees, \$1,010 ~~\$80~~
124 must be remitted by the clerk to the Department of Revenue for
125 deposit into the General Revenue Fund, \$770 ~~\$1,700~~ must be
126 remitted to the Department of Revenue for deposit into the State
127 Courts Revenue Trust Fund, \$3.50 must be remitted to the
128 Department of Revenue for deposit into the Clerks of the Court
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129 Trust Fund within the Justice Administrative Commission to fund
130 the Florida Clerks of Court Operations Corporation created in s.
131 28.35, and \$1.50 must ~~shall~~ be remitted to the Department of
132 Revenue for deposit into the Administrative Trust Fund within
133 the Department of Financial Services to fund clerk budget
134 reviews conducted by the Department of Financial Services.

135 e. An additional filing fee of \$4 shall be paid to the
136 clerk. The clerk shall remit \$3.50 to the Department of Revenue
137 for deposit into the Court Education Trust Fund and shall remit
138 50 cents to the Department of Revenue for deposit into the
139 Clerks of the Court Trust Fund within the Justice Administrative
140 Commission to fund clerk education. An additional filing fee of
141 up to \$18 shall be paid by the party seeking each severance that
142 is granted. The clerk may impose an additional filing fee of up
143 to \$85 for all proceedings of garnishment, attachment, replevin,
144 and distress. Postal charges incurred by the clerk of the
145 circuit court in making service by certified or registered mail
146 on defendants or other parties shall be paid by the party at
147 whose instance service is made. ~~No~~ Additional fees, charges, or
148 costs may not ~~shall~~ be added to the filing fees imposed under
149 this section, except as authorized in this section or by general
150 law.

151 (c)1. A party in addition to a party described in sub-
152 subparagraph (a)1.a. who files a pleading in an original civil
153 action in circuit court for affirmative relief by cross-claim,
154 counterclaim, counterpetition, or third-party complaint shall
155 pay the clerk of court a fee of \$395. A party in addition to a
156 party described in sub-subparagraph (a)1.b. who files a pleading
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157 in an original civil action in circuit court for affirmative
158 relief by cross-claim, counterclaim, counterpetition, or third-
159 party complaint shall pay the clerk of court a fee of \$295. The
160 clerk shall remit the fee to the Department of Revenue for
161 deposit into the General Revenue Fund.

162 2. A party in addition to a party described in
163 subparagraph (a)2. who files a pleading in an original civil
164 action in circuit court for affirmative relief by cross-claim,
165 counterclaim, counterpetition, or third-party complaint shall
166 pay the clerk of court a graduated fee of:

167 a. Three hundred and ninety-five dollars in all cases in
168 which the value of the pleading is \$50,000 or less;

169 b. Nine hundred dollars in all cases in which the value of
170 the pleading is more than \$50,000 but less than \$250,000; or

171 c. One thousand nine hundred dollars in all cases in which
172 the value of the pleading is \$250,000 or more.

173
174 The clerk shall remit the fees collected under this subparagraph
175 to the Department of Revenue for deposit into the General
176 Revenue Fund, ~~except that the clerk shall remit \$100 of the fee~~
177 ~~collected under sub-subparagraph a., \$605 of the fee collected~~
178 ~~under sub-subparagraph b., and \$1,605 of the fee collected under~~
179 ~~sub-subparagraph c. to the Department of Revenue for deposit~~
180 ~~into the State Courts Revenue Trust Fund.~~

181 Section 2. This act shall take effect June 1, 2012.

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

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185 Remove the entire title and insert:
186 A bill to be entitled
187 An act relating to state court revenues; amending s.
188 28.241, F.S.; redirecting revenue from filing fees for
189 certain civil actions in circuit court relating to
190 real property or mortgage foreclosure from the State
191 Courts Revenue Trust Fund to the General Revenue Fund;
192 revising the distribution of a portion of the filing
193 fees received for certain civil actions in circuit
194 court relating to real property or mortgage
195 foreclosure; conforming provisions; providing an
196 effective date.