

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Perez offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) of section 28.241, Florida

Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

9 (2) (a) Upon the institution of any appellate proceeding
 10 from any lower court to the circuit court of any such county,
 11 including appeals filed by a county or municipality as provided
 12 in s. 34.041(5), or from the circuit court to an appellate court
 13 of the state, the clerk shall charge and collect from the party
 14 or parties instituting such appellate proceedings a filing fee
 15 not to exceed \$280 for filing a notice of appeal from the county
 16 court to the circuit court. ~~and,~~

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17 (b) In addition to the filing fee required under s. 25.241
18 or s. 35.22, the clerk shall charge and collect \$100 for filing
19 a notice of appeal from the county court to the circuit court or
20 the district court of appeal where the claim was more than
21 \$15,000, or from the circuit court to the district court of
22 appeal or to the Supreme Court.

23 (c) If the party is determined to be indigent, the clerk
24 shall defer payment of the fee required by this subsection.

25 Section 2. Paragraph (c) of subsection (1) of section
26 34.01, Florida Statutes, is amended to read:

27 34.01 Jurisdiction of county court.—

28 (1) County courts shall have original jurisdiction:

29 (c) Of all actions at law in which the matter in
30 controversy does not exceed the sum of \$50,000 ~~\$15,000~~,
31 exclusive of interest, costs, and attorney ~~attorney's~~ fees,
32 except those within the exclusive jurisdiction of the circuit
33 courts; and

34 Section 3. Paragraphs (a) and (b) of subsection (1) of
35 section 34.041, Florida Statutes, are amended, and paragraph (e)
36 is created in said subsection (1) of said section, to read:

37 34.041 Filing fees.—

38 (1)(a) Filing fees are due at the time a party files a
39 pleading to initiate a proceeding or files a pleading for
40 relief. Reopen fees are due at the time a party files a pleading
41 to reopen a proceeding if at least 90 days have elapsed since

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42 the filing of a final order or final judgment with the clerk. If
43 a fee is not paid upon the filing of the pleading as required
44 under this section, the clerk shall pursue collection of the fee
45 pursuant to s. 28.246. Upon the institution of any civil action,
46 suit, or proceeding in county court, the party shall pay the
47 following filing fee, not to exceed:

- 48 1. For all claims less than \$100.....\$50.
- 49 2. For all claims of \$100 or more but not more than \$500\$75.
- 50 3. For all claims of more than \$500 but not more than
51 \$2,500.....\$170.
- 52 4. For all claims of more than \$2,500 but not more than
53 \$15,000.....\$295.
- 54 5. For all claims of more than \$15,000\$395.
- 55 6. In addition, for all proceedings of garnishment,
56 attachment, replevin, and distress.....\$85.
- 57 ~~7.6.~~ Notwithstanding subparagraphs 3. and ~~6.5.~~, for all
58 claims of not more than \$1,000 filed simultaneously with an
59 action for replevin of property that is the subject of the claim\$125.
- 60 ~~8.7.~~ For removal of tenant action.....\$180.

61
62 The filing fee in subparagraph ~~7.6.~~ is the total fee due under
63 this paragraph for that type of filing, and no other filing fee
64 under this paragraph may be assessed against such a filing.

65 (b) The first \$15 of the filing fee collected under
66 subparagraph (a)4. and the first \$10 of the filing fee collected

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67 under subparagraph (a)8. ~~(a)7.~~ shall be deposited in the State
68 Courts Revenue Trust Fund. By the 10th day of each month, the
69 clerk shall submit that portion of the fees collected in the
70 previous month which is in excess of one-twelfth of the clerk's
71 total budget for the performance of court-related functions to
72 the Department of Revenue for deposit into the Clerks of the
73 Court Trust Fund. An additional filing fee of \$4 shall be paid
74 to the clerk. The clerk shall transfer \$3.50 to the Department
75 of Revenue for deposit into the Court Education Trust Fund and
76 shall transfer 50 cents to the Department of Revenue for deposit
77 into the Administrative Trust Fund within the Department of
78 Financial Services to fund clerk education provided by the
79 Florida Clerks of Court Operations Corporation. Postal charges
80 incurred by the clerk of the county court in making service by
81 mail on defendants or other parties shall be paid by the party
82 at whose instance service is made. Except as provided in this
83 section, filing fees and service charges for performing duties
84 of the clerk relating to the county court shall be as provided
85 in ss. 28.24 and 28.241. Except as otherwise provided in this
86 section, all filing fees shall be retained as fee income of the
87 office of the clerk of the circuit court. Filing fees imposed by
88 this section may not be added to any penalty imposed by chapter
89 316 or chapter 318.

90 (e) Of the first \$200 in filing fees payable under
91 subparagraph (a)5., \$195 must be remitted to the Department of

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92 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
93 must be remitted to the Department of Revenue for deposit into
94 the Administrative Trust Fund within the Department of Financial
95 Services and used to fund the contract with the Florida Clerks
96 of Court Operations Corporation created in s. 28.35, and \$1 must
97 be remitted to the Department of Revenue for deposit into the
98 Administrative Trust Fund within the Department of Financial
99 Services to fund audits of individual clerks' court-related
100 expenditures conducted by the Department of Financial Services.
101 By the 10th of each month, the clerk shall submit that portion
102 of the filing fees collected pursuant to this subsection in the
103 previous month which is in excess of one-twelfth of the clerk's
104 total budget to the Department of Revenue for deposit into the
105 Clerks of the Court Trust Fund.

106 Section 4. Subsection (1) of section 44.108, Florida
107 Statutes, is amended to read:

108 44.108 Funding of mediation and arbitration.—

109 (1) Mediation and arbitration should be accessible to all
110 parties regardless of financial status. A filing fee of \$1 is
111 levied on all proceedings in the circuit or county courts to
112 fund mediation and arbitration services which are the
113 responsibility of the Supreme Court pursuant to the provisions
114 of s. 44.106, except that this filing fee is not levied upon an
115 appeal from the county court to the circuit court for a claim of
116 more than \$15,000. The clerk of the court shall forward the

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117 moneys collected to the Department of Revenue for deposit in the
118 State Courts Revenue Trust Fund.

119 Section 5. This act shall take effect July 1, 2018, and
120 applies to each cause of action filed on or after that date
121 regardless of when the cause of action accrued.

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

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Remove everything before the enacting clause and insert:

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An act relating to the jurisdiction of county courts; amending

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s. 28.241, F.S.; creating jurisdictional thresholds that

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establish certain appellate filing fees; amending s. 34.01,

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F.S.; increasing the jurisdictional limit for actions at law by

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county courts; amending s. 34.041, F.S.; setting county court

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civil filing fees; providing for distribution of said fees;

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amending s. 44.108, F.S.; providing that a certain mediation fee

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is not applicable to certain appeals; providing an effective

135

date.