

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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1 Committee/Subcommittee hearing bill: Justice Appropriations  
 2 Subcommittee

3 Representative Botana offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (1) of section  
 8 28.101, Florida Statutes, is amended to read:

9 28.101 Petitions and records of dissolution of marriage;  
 10 additional charges.—

11 (1) When a party petitions for a dissolution of marriage,  
 12 in addition to the filing charges in s. 28.241, the clerk shall  
 13 collect and receive:

14 (c) A charge of \$37.50. ~~On a monthly basis,~~ The clerk  
 15 shall deposit the moneys collected pursuant to this paragraph in  
 16 the fine and forfeiture fund established pursuant to s. 142.01

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17 ~~transfer the moneys collected pursuant to this paragraph to the~~  
18 ~~Department of Revenue for deposit in the General Revenue Fund.~~

19 Section 2. Subsection (1) of section 28.2401, Florida  
20 Statutes, is amended to read:

21 28.2401 Service charges and filing fees in probate  
22 matters.—

23 (1) Except when otherwise provided, the clerk may impose  
24 service charges or filing fees for the following services or  
25 filings, not to exceed the following amounts:

26 (a) Fee for the opening of any estate of one document or  
27 more, including, but not limited to, petitions and orders to  
28 approve settlement of minor's claims; to open a safe-deposit  
29 box; to enter rooms and places; for the determination of heirs,  
30 if not formal administration; and for a foreign guardian to  
31 manage property of a nonresident; but not to include issuance of  
32 letters or order of summary administration.....\$230

33 (b) Charge for caveat .....\$40

34 (c) Fee for petition and order to admit foreign wills,  
35 authenticated copies, exemplified copies, or transcript to  
36 record .....\$230

37 (d) Fee for disposition of personal property without  
38 administration.....\$230

39 (e) Fee for summary administration—estates valued at  
40 \$1,000 or more.....\$340

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- 41 (f) Fee for summary administration—estates valued at less
- 42 than \$1,000 .....\$230
- 43 (g) Fee for formal administration, guardianship,
- 44 ancillary, curatorship, or conservatorship proceedings .....\$395
- 45 (h) Fee for guardianship proceedings of person only ...\$230
- 46 (i) Fee for veterans' guardianship pursuant to chapter
- 47 744 \$230
- 48 (j) Charge for exemplified certificates.....\$7
- 49 (k) Fee for petition for determination of incompetency \$230

50

51 The clerk shall remit \$115 of each filing fee collected under

52 paragraphs (a), (c)-(i), and (k) to the Department of Revenue

53 for deposit into the State Courts Revenue Trust Fund ~~and shall~~

54 ~~remit \$15 of each filing fee collected under paragraphs (a),~~

55 ~~(c), (d), (f), (h), (i), and (k), \$1 of each filing fee~~

56 ~~collected under paragraph (j), \$5 of each filing fee collected~~

57 ~~under paragraph (b), \$25 of each filing fee collected under~~

58 ~~paragraph (c), and \$30 of each filing fee collected under~~

59 ~~paragraph (g) to the Department of Revenue for deposit into the~~

60 ~~General Revenue Fund.~~

61 Section 3. Paragraphs (a) and (d) of subsection (1) of

62 section 28.241, Florida Statutes, are amended to read:

63 28.241 Filing fees for trial and appellate proceedings.—

64 (1) Filing fees are due at the time a party files a

65 pleading to initiate a proceeding or files a pleading for

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66 relief. Reopen fees are due at the time a party files a pleading  
67 to reopen a proceeding if at least 90 days have elapsed since  
68 the filing of a final order or final judgment with the clerk. If  
69 a fee is not paid upon the filing of the pleading as required  
70 under this section, the clerk shall pursue collection of the fee  
71 pursuant to s. 28.246.

72 (a)1.a. Except as provided in sub-subparagraph b. and  
73 subparagraph 2., the party instituting any civil action, suit,  
74 or proceeding in the circuit court shall pay to the clerk of  
75 that court a filing fee of up to \$395 in all cases in which  
76 there are not more than five defendants and an additional filing  
77 fee of up to \$2.50, from which the clerk shall remit \$0.50 to  
78 the Department of Revenue for deposit into the General Revenue  
79 Fund, for each defendant in excess of five. Of the first \$200 in  
80 filing fees, \$195 must be remitted to the Department of Revenue  
81 for deposit into the State Courts Revenue Trust Fund, \$4 must be  
82 remitted to the Department of Revenue for deposit into the  
83 Administrative Trust Fund within the Department of Financial  
84 Services and used to fund the contract with the Florida Clerks  
85 of Court Operations Corporation created in s. 28.35, and \$1 must  
86 be remitted to the Department of Revenue for deposit into the  
87 Administrative Trust Fund within the Department of Financial  
88 Services to fund audits of individual clerks' court-related  
89 expenditures conducted by the Department of Financial Services.  
90 ~~By the 10th of each month, the clerk shall submit that portion~~

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91 ~~of the filing fees collected in the previous month which is in~~  
92 ~~excess of one-twelfth of the clerk's total budget to the~~  
93 ~~Department of Revenue for deposit into the Clerks of the Court~~  
94 ~~Trust Fund.~~

95 b. The party instituting any civil action, suit, or  
96 proceeding in the circuit court under chapter 39, chapter 61,  
97 chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
98 753 shall pay to the clerk of that court a filing fee of up to  
99 \$295 in all cases in which there are not more than five  
100 defendants and an additional filing fee of up to \$2.50 for each  
101 defendant in excess of five. Of the first \$100 in filing fees,  
102 \$95 must be remitted to the Department of Revenue for deposit  
103 into the State Courts Revenue Trust Fund, \$4 must be remitted to  
104 the Department of Revenue for deposit into the Administrative  
105 Trust Fund within the Department of Financial Services and used  
106 to fund the contract with the Florida Clerks of Court Operations  
107 Corporation created in s. 28.35, and \$1 must be remitted to the  
108 Department of Revenue for deposit into the Administrative Trust  
109 Fund within the Department of Financial Services to fund audits  
110 of individual clerks' court-related expenditures conducted by  
111 the Department of Financial Services.

112 c. An additional filing fee of \$4 shall be paid to the  
113 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
114 for deposit into the Court Education Trust Fund and shall remit  
115 50 cents to the Department of Revenue for deposit into the

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116 Administrative Trust Fund within the Department of Financial  
117 Services to fund clerk education provided by the Florida Clerks  
118 of Court Operations Corporation. An additional filing fee of up  
119 to \$18 shall be paid by the party seeking each severance that is  
120 granted, from which the clerk shall remit \$3 to the Department  
121 of Revenue for deposit into the General Revenue Fund. The clerk  
122 may impose an additional filing fee of up to \$85, from which the  
123 clerk shall remit \$10 to the Department of Revenue for deposit  
124 into the General Revenue Fund, for all proceedings of  
125 garnishment, attachment, replevin, and distress. Postal charges  
126 incurred by the clerk of the circuit court in making service by  
127 certified or registered mail on defendants or other parties  
128 shall be paid by the party at whose instance service is made.  
129 Additional fees, charges, or costs may not be added to the  
130 filing fees imposed under this section, except as authorized in  
131 this section or by general law.

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

136 b. A party shall estimate in writing the amount in  
137 controversy of the claim upon filing the action. For purposes of  
138 this subparagraph, the value of a mortgage foreclosure action is  
139 based upon the principal due on the note secured by the  
140 mortgage, plus interest owed on the note and any moneys advanced

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141 by the lender for property taxes, insurance, and other advances  
142 secured by the mortgage, at the time of filing the foreclosure.  
143 The value shall also include the value of any tax certificates  
144 related to the property. In stating the value of a mortgage  
145 foreclosure claim, a party shall declare in writing the total  
146 value of the claim, as well as the individual elements of the  
147 value as prescribed in this sub-subparagraph.

148 c. In its order providing for the final disposition of the  
149 matter, the court shall identify the actual value of the claim.  
150 The clerk shall adjust the filing fee if there is a difference  
151 between the estimated amount in controversy and the actual value  
152 of the claim and collect any additional filing fee owed or  
153 provide a refund of excess filing fee paid.

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

155 (I) Three hundred and ninety-five dollars in all cases in  
156 which the value of the claim is \$50,000 or less and in which  
157 there are not more than five defendants. The party shall pay an  
158 additional filing fee of up to \$2.50 for each defendant in  
159 excess of five. Of the first \$200 in filing fees, \$195 must be  
160 remitted by the clerk to the Department of Revenue for deposit  
161 into the General Revenue Fund, \$4 must be remitted to the  
162 Department of Revenue for deposit into the Administrative Trust  
163 Fund within the Department of Financial Services and used to  
164 fund the contract with the Florida Clerks of Court Operations  
165 Corporation created in s. 28.35, and \$1 must be remitted to the

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166 Department of Revenue for deposit into the Administrative Trust  
167 Fund within the Department of Financial Services to fund audits  
168 of individual clerks' court-related expenditures conducted by  
169 the Department of Financial Services;

170 (II) Nine hundred dollars in all cases in which the value  
171 of the claim is more than \$50,000 but less than \$250,000 and in  
172 which there are not more than five defendants. The party shall  
173 pay an additional filing fee of up to \$2.50 for each defendant  
174 in excess of five. Of the first \$355 ~~\$705~~ in filing fees, \$350  
175 ~~\$700~~ must be remitted by the clerk to the Department of Revenue  
176 for deposit into the General Revenue Fund, ~~except that the first~~  
177 ~~\$1.5 million in such filing fees remitted to the Department of~~  
178 ~~Revenue and deposited into the General Revenue Fund in fiscal~~  
179 ~~year 2018-2019 shall be distributed to the Miami-Dade County~~  
180 ~~Clerk of Court;~~ \$4 must be remitted to the Department of Revenue  
181 for deposit into the Administrative Trust Fund within the  
182 Department of Financial Services and used to fund the contract  
183 with the Florida Clerks of Court Operations Corporation created  
184 in s. 28.35, ~~+~~ and \$1 must be remitted to the Department of  
185 Revenue for deposit into the Administrative Trust Fund within  
186 the Department of Financial Services to fund audits of  
187 individual clerks' court-related expenditures conducted by the  
188 Department of Financial Services; or

189 (III) One thousand nine hundred dollars in all cases in  
190 which the value of the claim is \$250,000 or more and in which

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191 there are not more than five defendants. The party shall pay an  
192 additional filing fee of up to \$2.50 for each defendant in  
193 excess of five. Of the first \$1,705 in filing fees, \$930 must be  
194 remitted by the clerk to the Department of Revenue for deposit  
195 into the General Revenue Fund, \$770 must be remitted to the  
196 Department of Revenue for deposit into the State Courts Revenue  
197 Trust Fund, \$4 must be remitted to the Department of Revenue for  
198 deposit into the Administrative Trust Fund within the Department  
199 of Financial Services to fund the contract with the Florida  
200 Clerks of Court Operations Corporation created in s. 28.35, and  
201 \$1 must be remitted to the Department of Revenue for deposit  
202 into the Administrative Trust Fund within the Department of  
203 Financial Services to fund audits of individual clerks' court-  
204 related expenditures conducted by the Department of Financial  
205 Services.

206 e. An additional filing fee of \$4 shall be paid to the  
207 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
208 for deposit into the Court Education Trust Fund and shall remit  
209 50 cents to the Department of Revenue for deposit into the  
210 Administrative Trust Fund within the Department of Financial  
211 Services to fund clerk education provided by the Florida Clerks  
212 of Court Operations Corporation. An additional filing fee of up  
213 to \$18 shall be paid by the party seeking each severance that is  
214 granted. The clerk may impose an additional filing fee of up to  
215 \$85 for all proceedings of garnishment, attachment, replevin,

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216 and distress. Postal charges incurred by the clerk of the  
217 circuit court in making service by certified or registered mail  
218 on defendants or other parties shall be paid by the party at  
219 whose instance service is made. Additional fees, charges, or  
220 costs may not be added to the filing fees imposed under this  
221 section, except as authorized in this section or by general law.

222 (d) The clerk of court shall collect a service charge of  
223 \$10 for issuing an original, a certified copy, or an electronic  
224 certified copy of a summons, which the clerk shall deposit into  
225 the fine and forfeiture fund established pursuant to s. 142.01  
226 ~~remit to the Department of Revenue for deposit into the General~~  
227 ~~Revenue Fund~~. The clerk shall assess the fee against the party  
228 seeking to have the summons issued.

229 Section 4. Subsection (3) of section 28.37, Florida  
230 Statutes, is amended to read:

231 28.37 Fines, fees, service charges, and costs remitted to  
232 the state.—

233 (3) The portion of all fines, fees, service charges, and  
234 costs collected by the clerks of the court for the previous  
235 quarter ~~month~~ which is in excess of one-fourth ~~one-twelfth~~ of  
236 the clerks' total budget for the performance of court-related  
237 functions must be remitted to the Department of Revenue for  
238 deposit into the Clerks of the Court Trust Fund. Such  
239 collections do not include funding received for the operation of  
240 the Title IV-D child support collections and disbursement

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241 program. The clerk of the court shall remit the revenues  
242 collected during the previous quarter ~~month~~ due to the state on  
243 or before the 10th day of the next preceding month immediately  
244 following the quarterly calculation ~~each month~~.

245 Section 5. This act shall take effect July 1, 2023.

246 -----  
247  
248 **T I T L E A M E N D M E N T**

249 Remove everything before the enacting clause and insert:  
250 An act relating to clerks of court; amending s. 28.101, F.S.;  
251 revising the collections requirements of a clerk of court when a  
252 party petitions for a dissolution of marriage; amending s.  
253 28.2401, F.S.; revising the collections requirements of a clerk  
254 of court in probate matters; amending s. 28.241, F.S.; revising  
255 the collections requirements of a clerk of court in trial and  
256 appellate proceedings; revising the allocation of filing fees in  
257 trial and appellate proceedings in certain instances; amending  
258 s. 28.37, F.S.; revising the collections requirements of a clerk  
259 of court as it relates to fines, fees, service charges, and  
260 costs remitted to the state; providing an effective date.