



812268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2010	.	
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The Policy and Steering Committee on Ways and Means (Alexander) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1004 - 1121
and insert:
first \$265 in filing fees, \$118 ~~\$80~~ must be remitted by the clerk to the Department of Revenue for deposit into the General Revenue Fund, \$180 must be remitted to the Department of Revenue for deposit into the State Courts Revenue Trust Fund, \$3.50 must be remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission and used to fund the Florida Clerks of Court Operations Corporation created in s. 28.35, and \$1.50 shall be



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13 remitted to the Department of Revenue for deposit into the
14 Administrative Trust Fund within the Department of Financial
15 Services to fund clerk budget reviews conducted by the
16 Department of Financial Services. The next \$15 of the filing fee
17 collected shall be deposited in the state courts' Mediation and
18 Arbitration Trust Fund. One third of any filing fees collected
19 by the clerk of the circuit court in excess of \$100 shall be
20 remitted to the Department of Revenue for deposit into the
21 Clerks of the Court Trust Fund within the Justice Administrative
22 Commission.

23 b. Except where the assessment of a filing fee is otherwise
24 prohibited by law, the party instituting any civil action, suit,
25 or proceeding in the circuit court under chapter 39, chapter 61,
26 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
27 753 shall pay to the clerk of that court a filing fee of up to
28 \$295 in all cases in which there are not more than five
29 defendants and an additional filing fee of up to \$2.50 for each
30 defendant in excess of five. Of the first \$203 ~~\$165~~ in filing
31 fees, \$118 ~~\$80~~ must be remitted by the clerk to the Department
32 of Revenue for deposit into the General Revenue Fund, \$80 must
33 be remitted to the Department of Revenue for deposit into the
34 State Courts Revenue Trust Fund, \$3.50 must be remitted to the
35 Department of Revenue for deposit into the Clerks of the Court
36 Trust Fund within the Justice Administrative Commission and used
37 to fund the Florida Clerks of Court Operations Corporation
38 created in s. 28.35, and \$1.50 shall be remitted to the
39 Department of Revenue for deposit into the Administrative Trust
40 Fund within the Department of Financial Services to fund clerk
41 budget reviews conducted by the Department of Financial



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

45 c. An additional filing fee of \$4 shall be paid to the
46 clerk. The clerk shall remit \$3.50 to the Department of Revenue
47 for deposit into the Court Education Trust Fund and shall remit
48 50 cents to the Department of Revenue for deposit into the
49 Clerks of the Court Trust Fund within the Justice Administrative
50 Commission to fund clerk education. An additional filing fee of
51 up to \$18 shall be paid by the party seeking each severance that
52 is granted. The clerk may impose an additional filing fee of up
53 to \$85 for all proceedings of garnishment, attachment, replevin,
54 and distress. Postal charges incurred by the clerk of the
55 circuit court in making service by certified or registered mail
56 on defendants or other parties shall be paid by the party at
57 whose instance service is made. No additional fees, charges, or
58 costs shall be added to the filing fees imposed under this
59 section, except as authorized in this section or by general law.

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

64 b. A party shall estimate in writing the amount in
65 controversy of the claim upon filing the action. For purposes of
66 this subparagraph, the value of a mortgage foreclosure action is
67 based upon the principal due on the note secured by the
68 mortgage, plus interest owed on the note and any moneys advanced
69 by the lender for property taxes, insurance, and other advances
70 secured by the mortgage, at the time of filing the foreclosure.



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71 The value shall also include the value of any tax certificates
72 related to the property. In stating the value of a mortgage
73 foreclosure claim, a party shall declare in writing the total
74 value of the claim, as well as the individual elements of the
75 value as prescribed in this sub-subparagraph.

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

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

83 (I) Three hundred and ninety-five dollars in all cases in
84 which the value of the claim is \$50,000 or less and in which
85 there are not more than five defendants. The party shall pay an
86 additional filing fee of up to \$2.50 for each defendant in
87 excess of five. Of the first \$303 ~~\$265~~ in filing fees, \$118 ~~\$80~~
88 must be remitted by the clerk to the Department of Revenue for
89 deposit into the General Revenue Fund, \$180 must be remitted to
90 the Department of Revenue for deposit into the State Courts
91 Revenue Trust Fund, \$3.50 must be remitted to the Department of
92 Revenue for deposit into the Clerks of the Court Trust Fund
93 within the Justice Administrative Commission and used to fund
94 the Florida Clerks of Court Operations Corporation created in s.
95 28.35, and \$1.50 shall be remitted to the Department of Revenue
96 for deposit into the Administrative Trust Fund within the
97 Department of Financial Services to fund clerk budget reviews
98 conducted by the Department of Financial Services. The next \$15
99 of the filing fee collected shall be deposited in the state



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100 courts' Mediation and Arbitration Trust Fund;

101 (II) Nine hundred dollars in all cases in which the value
102 of the claim is more than \$50,000 but less than \$250,000 and in
103 which there are not more than five defendants. The party shall
104 pay an additional filing fee of up to \$2.50 for each defendant
105 in excess of five. Of the first \$808 ~~\$770~~ in filing fees, \$118
106 ~~\$80~~ must be remitted by the clerk to the Department of Revenue
107 for deposit into the General Revenue Fund, \$685 must be remitted
108 to the Department of Revenue for deposit into the State Courts
109 Revenue Trust Fund, \$3.50 must be remitted to the Department of
110 Revenue for deposit into the Clerks of the Court Trust Fund
111 within the Justice Administrative Commission and used to fund
112 the Florida Clerks of Court Operations Corporation described in
113 s. 28.35, and \$1.50 shall be remitted to the Department of
114 Revenue for deposit into the Administrative Trust Fund within
115 the Department of Financial Services to fund clerk budget
116 reviews conducted by the Department of Financial Services. The
117 next \$15 of the filing fee collected shall be deposited in the
118 state courts' Mediation and Arbitration Trust Fund; 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 \$1,808 ~~\$1,770~~ in filing fees, \$118
124 ~~\$80~~ must be

125
126 ===== T I T L E A M E N D M E N T =====

127 And the title is amended as follows:

128 Delete line 76



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129 and insert:
130 amending s. 28.241, F.S.; increasing certain filing
131 fees and providing for the deposit of revenues;
132 providing an exception to