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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Criminal and Civil Justice
(Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) When a party petitions for a dissolution of marriage,
in addition to the filing charges in s. 28.241, the clerk shall



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11 collect and receive:

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

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

19 28.2401 Service charges and filing fees in probate
20 matters.—

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

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

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

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

35 (d) Fee for disposition of personal property without
36 administration.....\$230

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

39 (f) Fee for summary administration—estates valued at less



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

49 The clerk shall remit \$115 of each filing fee collected under
50 paragraphs (a), (c)-(i), and (k) to the Department of Revenue
51 for deposit into the State Courts Revenue Trust Fund ~~and shall~~
52 ~~remit \$15 of each filing fee collected under paragraphs (a),~~
53 ~~(c), (d), (f), (h), (i), and (k), \$1 of each filing fee~~
54 ~~collected under paragraph (j), \$5 of each filing fee collected~~
55 ~~under paragraph (b), \$25 of each filing fee collected under~~
56 ~~paragraph (c), and \$30 of each filing fee collected under~~
57 ~~paragraph (g) to the Department of Revenue for deposit into the~~
58 ~~General Revenue Fund.~~

59 Section 3. Paragraphs (a) and (d) of subsection (1) of
60 section 28.241, Florida Statutes, are amended to read:

61 28.241 Filing fees for trial and appellate proceedings.—

62 (1) Filing fees are due at the time a party files a
63 pleading to initiate a proceeding or files a pleading for
64 relief. Reopen fees are due at the time a party files a pleading
65 to reopen a proceeding if at least 90 days have elapsed since
66 the filing of a final order or final judgment with the clerk. If
67 a fee is not paid upon the filing of the pleading as required
68 under this section, the clerk shall pursue collection of the fee



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69 pursuant to s. 28.246.

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

93 b. The party instituting any civil action, suit, or
94 proceeding in the circuit court under chapter 39, chapter 61,
95 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
96 753 shall pay to the clerk of that court a filing fee of up to
97 \$295 in all cases in which there are not more than five



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98 defendants and an additional filing fee of up to \$2.50 for each
99 defendant in excess of five. Of the first \$100 in filing fees,
100 \$95 must be remitted to the Department of Revenue for deposit
101 into the State Courts Revenue Trust Fund, \$4 must be remitted to
102 the Department of Revenue for deposit into the Administrative
103 Trust Fund within the Department of Financial Services and used
104 to fund the contract with the Florida Clerks of Court Operations
105 Corporation created in s. 28.35, and \$1 must be remitted to the
106 Department of Revenue for deposit into the Administrative Trust
107 Fund within the Department of Financial Services to fund audits
108 of individual clerks' court-related expenditures conducted by
109 the Department of Financial Services.

110 c. An additional filing fee of \$4 shall be paid to the
111 clerk. The clerk shall remit \$3.50 to the Department of Revenue
112 for deposit into the Court Education Trust Fund and shall remit
113 50 cents to the Department of Revenue for deposit into the
114 Administrative Trust Fund within the Department of Financial
115 Services to fund clerk education provided by the Florida Clerks
116 of Court Operations Corporation. An additional filing fee of up
117 to \$18 shall be paid by the party seeking each severance that is
118 granted, from which the clerk shall remit \$3 to the Department
119 of Revenue for deposit into the General Revenue Fund. The clerk
120 may impose an additional filing fee of up to \$85, from which the
121 clerk shall remit \$10 to the Department of Revenue for deposit
122 into the General Revenue Fund, for all proceedings of
123 garnishment, attachment, replevin, and distress. Postal charges
124 incurred by the clerk of the circuit court in making service by
125 certified or registered mail on defendants or other parties
126 shall be paid by the party at whose instance service is made.



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127 Additional fees, charges, or costs may not be added to the
128 filing fees imposed under this section, except as authorized in
129 this section or by general law.

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

134 b. A party shall estimate in writing the amount in
135 controversy of the claim upon filing the action. For purposes of
136 this subparagraph, the value of a mortgage foreclosure action is
137 based upon the principal due on the note secured by the
138 mortgage, plus interest owed on the note and any moneys advanced
139 by the lender for property taxes, insurance, and other advances
140 secured by the mortgage, at the time of filing the foreclosure.
141 The value shall also include the value of any tax certificates
142 related to the property. In stating the value of a mortgage
143 foreclosure claim, a party shall declare in writing the total
144 value of the claim, as well as the individual elements of the
145 value as prescribed in this sub-subparagraph.

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

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

153 (I) Three hundred and ninety-five dollars in all cases in
154 which the value of the claim is \$50,000 or less and in which
155 there are not more than five defendants. The party shall pay an



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156 additional filing fee of up to \$2.50 for each defendant in
157 excess of five. Of the first \$200 in filing fees, \$195 must be
158 remitted by the clerk to the Department of Revenue for deposit
159 into the General Revenue Fund, \$4 must be remitted to the
160 Department of Revenue for deposit into the Administrative Trust
161 Fund within the Department of Financial Services and used to
162 fund the contract with the Florida Clerks of Court Operations
163 Corporation created in s. 28.35, and \$1 must be remitted to the
164 Department of Revenue for deposit into the Administrative Trust
165 Fund within the Department of Financial Services to fund audits
166 of individual clerks' court-related expenditures conducted by
167 the Department of Financial Services;

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



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185 individual clerks' court-related expenditures conducted by the
186 Department of Financial Services; or

187 (III) One thousand nine hundred dollars in all cases in
188 which the value of the claim is \$250,000 or more and in which
189 there are not more than five defendants. The party shall pay an
190 additional filing fee of up to \$2.50 for each defendant in
191 excess of five. Of the first \$1,705 in filing fees, \$930 must be
192 remitted by the clerk to the Department of Revenue for deposit
193 into the General Revenue Fund, \$770 must be remitted to the
194 Department of Revenue for deposit into the State Courts Revenue
195 Trust Fund, \$4 must be remitted to the Department of Revenue for
196 deposit into the Administrative Trust Fund within the Department
197 of Financial Services to fund the contract with the Florida
198 Clerks of Court Operations Corporation created in s. 28.35, and
199 \$1 must be remitted to the Department of Revenue for deposit
200 into the Administrative Trust Fund within the Department of
201 Financial Services to fund audits of individual clerks' court-
202 related expenditures conducted by the Department of Financial
203 Services.

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



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

220 (d) The clerk of court shall collect a service charge of
221 \$10 for issuing an original, a certified copy, or an electronic
222 certified copy of a summons, which the clerk shall deposit into
223 the fine and forfeiture fund established pursuant to s. 142.01
224 ~~remit to the Department of Revenue for deposit into the General~~
225 ~~Revenue Fund~~. The clerk shall assess the fee against the party
226 seeking to have the summons issued.

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

229 28.37 Fines, fees, service charges, and costs remitted to
230 the state.—

231 (3) The portion of all fines, fees, service charges, and
232 costs collected by the clerks of the court for the previous
233 quarter ~~month~~ which is in excess of one-fourth ~~one-twelfth~~ of
234 the clerks' total budget for the performance of court-related
235 functions must be remitted to the Department of Revenue for
236 deposit into the Clerks of the Court Trust Fund. Such
237 collections do not include funding received for the operation of
238 the Title IV-D child support collections and disbursement
239 program. The clerk of the court shall remit the revenues
240 collected during the previous quarter ~~month~~ due to the state on
241 or before the 10th day of the next preceding month immediately
242 following the quarterly calculation ~~each month~~.



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

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

246 And the title is amended as follows:

247 Delete everything before the enacting clause
248 and insert:

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