

By the Appropriations Committee on Criminal and Civil Justice;
and Senators Hutson and Thompson

604-03967-23

20231130c1

1 A bill to be entitled
2 An act relating to clerks of court; amending s.
3 28.101, F.S.; revising the collections requirements of
4 a clerk of court when a party petitions for a
5 dissolution of marriage; amending s. 28.2401, F.S.;
6 revising the collections requirements of a clerk of
7 court in probate matters; amending s. 28.241, F.S.;
8 revising the collections requirements of a clerk of
9 court in trial and appellate proceedings; revising the
10 allocation of filing fees in trial and appellate
11 proceedings in certain instances; amending s. 28.37,
12 F.S.; revising the collections requirements of a clerk
13 of court as it relates to fines, fees, service
14 charges, and costs remitted to the state; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraph (c) of subsection (1) of section
20 28.101, Florida Statutes, is amended to read:

21 28.101 Petitions and records of dissolution of marriage;
22 additional charges.—

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

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

604-03967-23

20231130c1

30 ~~Department of Revenue for deposit in the General Revenue Fund.~~

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

33 28.2401 Service charges and filing fees in probate
34 matters.—

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

38 (a) Fee for the opening of any estate of one document or
39 more, including, but not limited to, petitions and orders to
40 approve settlement of minor’s claims; to open a safe-deposit
41 box; to enter rooms and places; for the determination of heirs,
42 if not formal administration; and for a foreign guardian to
43 manage property of a nonresident; but not to include issuance of
44 letters or order of summary administration.....\$230

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

46 (c) Fee for petition and order to admit foreign wills,
47 authenticated copies, exemplified copies, or transcript to
48 record.....\$230

49 (d) Fee for disposition of personal property without
50 administration.....\$230

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

53 (f) Fee for summary administration—estates valued at less
54 than \$1,000.....\$230

55 (g) Fee for formal administration, guardianship, ancillary,
56 curatorship, or conservatorship proceedings.....\$395

57 (h) Fee for guardianship proceedings of person only.....\$230

58 (i) Fee for veterans’ guardianship pursuant to chapter

604-03967-23

20231130c1

59 744.....\$230
60 (j) Charge for exemplified certificates.....\$7
61 (k) Fee for petition for determination of incompetency..\$230
62

63 The clerk shall remit \$115 of each filing fee collected under
64 paragraphs (a), (c)-(i), and (k) to the Department of Revenue
65 for deposit into the State Courts Revenue Trust Fund ~~and shall~~
66 ~~remit \$15 of each filing fee collected under paragraphs (a),~~
67 ~~(c), (d), (f), (h), (i), and (k), \$1 of each filing fee~~
68 ~~collected under paragraph (j), \$5 of each filing fee collected~~
69 ~~under paragraph (b), \$25 of each filing fee collected under~~
70 ~~paragraph (e), and \$30 of each filing fee collected under~~
71 ~~paragraph (g) to the Department of Revenue for deposit into the~~
72 ~~General Revenue Fund.~~

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

75 28.241 Filing fees for trial and appellate proceedings.—

76 (1) Filing fees are due at the time a party files a
77 pleading to initiate a proceeding or files a pleading for
78 relief. Reopen fees are due at the time a party files a pleading
79 to reopen a proceeding if at least 90 days have elapsed since
80 the filing of a final order or final judgment with the clerk. If
81 a fee is not paid upon the filing of the pleading as required
82 under this section, the clerk shall pursue collection of the fee
83 pursuant to s. 28.246.

84 (a)1.a. Except as provided in sub-subparagraph b. and
85 subparagraph 2., the party instituting any civil action, suit,
86 or proceeding in the circuit court shall pay to the clerk of
87 that court a filing fee of up to \$395 in all cases in which

604-03967-23

20231130c1

88 there are not more than five defendants and an additional filing
89 fee of up to \$2.50, from which the clerk shall remit \$0.50 to
90 the Department of Revenue for deposit into the General Revenue
91 Fund, for each defendant in excess of five. Of the first \$200 in
92 filing fees, \$195 must be remitted to the Department of Revenue
93 for deposit into the State Courts Revenue Trust Fund, \$4 must be
94 remitted to the Department of Revenue for deposit into the
95 Administrative Trust Fund within the Department of Financial
96 Services and used to fund the contract with the Florida Clerks
97 of Court Operations Corporation created in s. 28.35, and \$1 must
98 be remitted to the Department of Revenue for deposit into the
99 Administrative Trust Fund within the Department of Financial
100 Services to fund audits of individual clerks' court-related
101 expenditures conducted by the Department of Financial Services.
102 ~~By the 10th of each month, the clerk shall submit that portion~~
103 ~~of the filing fees collected in the previous month which is in~~
104 ~~excess of one twelfth of the clerk's total budget to the~~
105 ~~Department of Revenue for deposit into the Clerks of the Court~~
106 ~~Trust Fund.~~

107 b. The party instituting any civil action, suit, or
108 proceeding in the circuit court under chapter 39, chapter 61,
109 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
110 753 shall pay to the clerk of that court a filing fee of up to
111 \$295 in all cases in which there are not more than five
112 defendants and an additional filing fee of up to \$2.50 for each
113 defendant in excess of five. Of the first \$100 in filing fees,
114 \$95 must be remitted to the Department of Revenue for deposit
115 into the State Courts Revenue Trust Fund, \$4 must be remitted to
116 the Department of Revenue for deposit into the Administrative

604-03967-23

20231130c1

117 Trust Fund within the Department of Financial Services and used
118 to fund the contract with the Florida Clerks of Court Operations
119 Corporation created in s. 28.35, and \$1 must be remitted to the
120 Department of Revenue for deposit into the Administrative Trust
121 Fund within the Department of Financial Services to fund audits
122 of individual clerks' court-related expenditures conducted by
123 the Department of Financial Services.

124 c. An additional filing fee of \$4 shall be paid to the
125 clerk. The clerk shall remit \$3.50 to the Department of Revenue
126 for deposit into the Court Education Trust Fund and shall remit
127 50 cents to the Department of Revenue for deposit into the
128 Administrative Trust Fund within the Department of Financial
129 Services to fund clerk education provided by the Florida Clerks
130 of Court Operations Corporation. An additional filing fee of up
131 to \$18 shall be paid by the party seeking each severance that is
132 granted, from which the clerk shall remit \$3 to the Department
133 of Revenue for deposit into the General Revenue Fund. The clerk
134 may impose an additional filing fee of up to \$85, from which the
135 clerk shall remit \$10 to the Department of Revenue for deposit
136 into the General Revenue Fund, for all proceedings of
137 garnishment, attachment, replevin, and distress. Postal charges
138 incurred by the clerk of the circuit court in making service by
139 certified or registered mail on defendants or other parties
140 shall be paid by the party at whose instance service is made.
141 Additional fees, charges, or costs may not be added to the
142 filing fees imposed under this section, except as authorized in
143 this section or by general law.

144 2.a. Notwithstanding the fees prescribed in subparagraph
145 1., a party instituting a civil action in circuit court relating

604-03967-23

20231130c1

146 to real property or mortgage foreclosure shall pay a graduated
147 filing fee based on the value of the claim.

148 b. A party shall estimate in writing the amount in
149 controversy of the claim upon filing the action. For purposes of
150 this subparagraph, the value of a mortgage foreclosure action is
151 based upon the principal due on the note secured by the
152 mortgage, plus interest owed on the note and any moneys advanced
153 by the lender for property taxes, insurance, and other advances
154 secured by the mortgage, at the time of filing the foreclosure.
155 The value shall also include the value of any tax certificates
156 related to the property. In stating the value of a mortgage
157 foreclosure claim, a party shall declare in writing the total
158 value of the claim, as well as the individual elements of the
159 value as prescribed in this sub-subparagraph.

160 c. In its order providing for the final disposition of the
161 matter, the court shall identify the actual value of the claim.
162 The clerk shall adjust the filing fee if there is a difference
163 between the estimated amount in controversy and the actual value
164 of the claim and collect any additional filing fee owed or
165 provide a refund of excess filing fee paid.

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

167 (I) Three hundred and ninety-five dollars in all cases in
168 which the value of the claim is \$50,000 or less and in which
169 there are not more than five defendants. The party shall pay an
170 additional filing fee of up to \$2.50 for each defendant in
171 excess of five. Of the first \$200 in filing fees, \$195 must be
172 remitted by the clerk to the Department of Revenue for deposit
173 into the General Revenue Fund, \$4 must be remitted to the
174 Department of Revenue for deposit into the Administrative Trust

604-03967-23

20231130c1

175 Fund within the Department of Financial Services and used to
176 fund the contract with the Florida Clerks of Court Operations
177 Corporation created in s. 28.35, and \$1 must be remitted to the
178 Department of Revenue for deposit into the Administrative Trust
179 Fund within the Department of Financial Services to fund audits
180 of individual clerks' court-related expenditures conducted by
181 the Department of Financial Services;

182 (II) Nine hundred dollars in all cases in which the value
183 of the claim is more than \$50,000 but less than \$250,000 and in
184 which there are not more than five defendants. The party shall
185 pay an additional filing fee of up to \$2.50 for each defendant
186 in excess of five. Of the first \$355 ~~\$705~~ in filing fees, \$350
187 ~~\$700~~ must be remitted by the clerk to the Department of Revenue
188 for deposit into the General Revenue Fund, ~~except that the first~~
189 ~~\$1.5 million in such filing fees remitted to the Department of~~
190 ~~Revenue and deposited into the General Revenue Fund in fiscal~~
191 ~~year 2018-2019 shall be distributed to the Miami Dade County~~
192 ~~Clerk of Court;~~ \$4 must be remitted to the Department of Revenue
193 for deposit into the Administrative Trust Fund within the
194 Department of Financial Services and used to fund the contract
195 with the Florida Clerks of Court Operations Corporation created
196 in s. 28.35, + and \$1 must be remitted to the Department of
197 Revenue for deposit into the Administrative Trust Fund within
198 the Department of Financial Services to fund audits of
199 individual clerks' court-related expenditures conducted by the
200 Department of Financial Services; or

201 (III) One thousand nine hundred dollars in all cases in
202 which the value of the claim is \$250,000 or more and in which
203 there are not more than five defendants. The party shall pay an

604-03967-23

20231130c1

204 additional filing fee of up to \$2.50 for each defendant in
205 excess of five. Of the first \$1,705 in filing fees, \$930 must be
206 remitted by the clerk to the Department of Revenue for deposit
207 into the General Revenue Fund, \$770 must be remitted to the
208 Department of Revenue for deposit into the State Courts Revenue
209 Trust Fund, \$4 must be remitted to the Department of Revenue for
210 deposit into the Administrative Trust Fund within the Department
211 of Financial Services to fund the contract with the Florida
212 Clerks of Court Operations Corporation created in s. 28.35, and
213 \$1 must be remitted to the Department of Revenue for deposit
214 into the Administrative Trust Fund within the Department of
215 Financial Services to fund audits of individual clerks' court-
216 related expenditures conducted by the Department of Financial
217 Services.

218 e. An additional filing fee of \$4 shall be paid to the
219 clerk. The clerk shall remit \$3.50 to the Department of Revenue
220 for deposit into the Court Education Trust Fund and shall remit
221 50 cents to the Department of Revenue for deposit into the
222 Administrative Trust Fund within the Department of Financial
223 Services to fund clerk education provided by the Florida Clerks
224 of Court Operations Corporation. An additional filing fee of up
225 to \$18 shall be paid by the party seeking each severance that is
226 granted. The clerk may impose an additional filing fee of up to
227 \$85 for all proceedings of garnishment, attachment, replevin,
228 and distress. Postal charges incurred by the clerk of the
229 circuit court in making service by certified or registered mail
230 on defendants or other parties shall be paid by the party at
231 whose instance service is made. Additional fees, charges, or
232 costs may not be added to the filing fees imposed under this

604-03967-23

20231130c1

233 section, except as authorized in this section or by general law.

234 (d) The clerk of court shall collect a service charge of
235 \$10 for issuing an original, a certified copy, or an electronic
236 certified copy of a summons, which the clerk shall deposit into
237 the fine and forfeiture fund established pursuant to s. 142.01
238 ~~remit to the Department of Revenue for deposit into the General~~
239 ~~Revenue Fund.~~ The clerk shall assess the fee against the party
240 seeking to have the summons issued.

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

243 28.37 Fines, fees, service charges, and costs remitted to
244 the state.—

245 (3) The portion of all fines, fees, service charges, and
246 costs collected by the clerks of the court for the previous
247 quarter month which is in excess of one-fourth ~~one-twelfth~~ of
248 the clerks' total budget for the performance of court-related
249 functions must be remitted to the Department of Revenue for
250 deposit into the Clerks of the Court Trust Fund. Such
251 collections do not include funding received for the operation of
252 the Title IV-D child support collections and disbursement
253 program. The clerk of the court shall remit the revenues
254 collected during the previous quarter month due to the state on
255 or before the 10th day of the next preceding month immediately
256 following the quarterly calculation ~~each month~~.

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