

1 A bill to be entitled
 2 An act relating to clerks of court budgets; amending s.
 3 28.241, F.S.; increasing the amount of certain filing fees
 4 for civil actions in circuit court to be remitted to the
 5 Department of Revenue for deposit into the General Revenue
 6 Fund; amending s. 34.041, F.S.; increasing the amount of
 7 certain filing fees for civil actions in county court to
 8 be remitted to the Department of Revenue for deposit into
 9 the General Revenue Fund; adjusting the budget cap for
 10 clerks of the court; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:
 13

14 Section 1. Paragraph (a) of subsection (1) of section
 15 28.241, Florida Statutes, is amended to read:

16 28.241 Filing fees for trial and appellate proceedings.--

17 (1) (a) The party instituting any civil action, suit, or
 18 proceeding in the circuit court shall pay to the clerk of that
 19 court a filing fee of up to \$295 in all cases in which there are
 20 not more than five defendants and an additional filing fee of up
 21 to \$2.50 for each defendant in excess of five. Of the first \$125
 22 ~~\$85~~ in filing fees, \$120 ~~\$80~~ must be remitted by the clerk to
 23 the Department of Revenue for deposit into the General Revenue
 24 Fund, and \$5 must be remitted to the Department of Revenue for
 25 deposit into the Department of Financial Services'
 26 Administrative Trust Fund to fund the contract with the Florida
 27 Clerks of Court Operations Corporation created in s. 28.35. The
 28 next \$15 of the filing fee collected shall be deposited in the

29 state courts' Mediation and Arbitration Trust Fund. One-third of
 30 any filing fees collected by the clerk of the circuit court in
 31 excess of \$100 shall be remitted to the Department of Revenue
 32 for deposit into the Department of Revenue Clerks of the Court
 33 Trust Fund. An additional filing fee of \$4 shall be paid to the
 34 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 35 for deposit into the Court Education Trust Fund and shall remit
 36 50 cents to the Department of Revenue for deposit into the
 37 Department of Financial Services Administrative Trust Fund to
 38 fund clerk education. An additional filing fee of up to \$18
 39 shall be paid by the party seeking each severance that is
 40 granted. The clerk may impose an additional filing fee of up to
 41 \$85 for all proceedings of garnishment, attachment, replevin,
 42 and distress. Postal charges incurred by the clerk of the
 43 circuit court in making service by certified or registered mail
 44 on defendants or other parties shall be paid by the party at
 45 whose instance service is made. No additional fees, charges, or
 46 costs shall be added to the filing fees imposed under this
 47 section, except as authorized herein or by general law.

48 Section 2. Paragraph (b) of subsection (1) of section
 49 34.041, Florida Statutes, is amended to read:

50 34.041 Filing fees.--

51 (1)

52 (b) The first \$120 ~~\$80~~ of the filing fee collected under
 53 subparagraph (a)4. shall be remitted to the Department of
 54 Revenue for deposit into the General Revenue Fund. The next \$15
 55 of the filing fee collected under subparagraph (a)4., and the
 56 first \$15 of each filing fee collected under subparagraph (a)6.,

57 shall be deposited in the state courts' Mediation and
 58 Arbitration Trust Fund. One-third of any filing fees collected
 59 by the clerk under this section in excess of the first \$95
 60 collected under subparagraph (a)4. shall be remitted to the
 61 Department of Revenue for deposit into the Department of Revenue
 62 Clerks of the Court Trust Fund. An additional filing fee of \$4
 63 shall be paid to the clerk. The clerk shall transfer \$3.50 to
 64 the Department of Revenue for deposit into the Court Education
 65 Trust Fund and shall transfer 50 cents to the Department of
 66 Revenue for deposit into the Department of Financial Services'
 67 Administrative Trust Fund to fund clerk education. Postal
 68 charges incurred by the clerk of the county court in making
 69 service by mail on defendants or other parties shall be paid by
 70 the party at whose instance service is made. Except as provided
 71 herein, filing fees and service charges for performing duties of
 72 the clerk relating to the county court shall be as provided in
 73 ss. 28.24 and 28.241. Except as otherwise provided herein, all
 74 filing fees shall be retained as fee income of the office of the
 75 clerk of circuit court. Filing fees imposed by this section may
 76 not be added to any penalty imposed by chapter 316 or chapter
 77 318.

78 Section 3. Notwithstanding s. 28.36, Florida Statutes, the
 79 statewide budget cap for the clerks of court is \$474,174,512 for
 80 the county fiscal year 2008-2009. The Clerk of the Court
 81 Operations Corporation shall reduce the individual approved
 82 budgets of the clerks of court to ensure that the sum of the
 83 approved budgets does not exceed this statewide budget cap.

84 Section 4. This act shall take effect July 1, 2009.