

1                   A bill to be entitled  
2           An act relating to the jurisdiction of county courts;  
3           amending s. 28.241, F.S.; requiring specified filing  
4           fees for appeals from certain county courts; amending  
5           s. 34.01, F.S.; increasing the jurisdictional limit  
6           for actions at law by county courts; amending s.  
7           34.041, F.S.; providing county court civil filing fees  
8           for claims of a specified value; providing for  
9           distribution of said fees; amending s. 44.108, F.S.;  
10          providing that a certain mediation fee is not  
11          applicable to certain appeals; providing an effective  
12          date.

13  
14   Be It Enacted by the Legislature of the State of Florida:

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16          Section 1. Subsection (2) of section 28.241, Florida  
17          Statutes, is amended to read:

18          28.241 Filing fees for trial and appellate proceedings.—

19          (2) (a) Upon the institution of any appellate proceeding  
20          from any lower court to the circuit court of any such county,  
21          including appeals filed by a county or municipality as provided  
22          in s. 34.041(5), or from the circuit court to an appellate court  
23          of the state, the clerk shall charge and collect from the party  
24          or parties instituting such appellate proceedings a filing fee  
25          not to exceed \$280 for filing a notice of appeal from the county

26 | court to the circuit court. ~~and,~~

27 |       **(b)** In addition to the filing fee required under s. 25.241  
 28 | or s. 35.22, the clerk shall charge and collect \$100 for filing  
 29 | a notice of appeal from the county court to the circuit court or  
 30 | the district court of appeal where the claim was more than  
 31 | \$15,000, or from the circuit court to the district court of  
 32 | appeal or to the Supreme Court.

33 |       **(c)** If the party is determined to be indigent, the clerk  
 34 | shall defer payment of the fee required by this subsection.

35 |       Section 2. Paragraph (c) of subsection (1) of section  
 36 | 34.01, Florida Statutes, is amended to read:

37 |       34.01 Jurisdiction of county court.—

38 |       (1) County courts shall have original jurisdiction:

39 |       (c) Of all actions at law in which the matter in  
 40 | controversy does not exceed the sum of \$50,000 ~~\$15,000~~,  
 41 | exclusive of interest, costs, and attorney ~~attorney's~~ fees,  
 42 | except those within the exclusive jurisdiction of the circuit  
 43 | courts; and

44 |       Section 3. Paragraphs (a) and (b) of subsection (1) of  
 45 | section 34.041, Florida Statutes, are amended, and paragraph (e)  
 46 | is added to that subsection, to read:

47 |       34.041 Filing fees.—

48 |       (1) (a) Filing fees are due at the time a party files a  
 49 | pleading to initiate a proceeding or files a pleading for  
 50 | relief. Reopen fees are due at the time a party files a pleading

51 to reopen a proceeding if at least 90 days have elapsed since  
 52 the filing of a final order or final judgment with the clerk. If  
 53 a fee is not paid upon the filing of the pleading as required  
 54 under this section, the clerk shall pursue collection of the fee  
 55 pursuant to s. 28.246. Upon the institution of any civil action,  
 56 suit, or proceeding in county court, the party shall pay the  
 57 following filing fee, not to exceed:

- 58 1. For all claims less than \$100.....\$50.
- 59 2. For all claims of \$100 or more but not more than \$500\$75.
- 60 3. For all claims of more than \$500 but not more than  
 61 \$2,500.....\$170.
- 62 4. For all claims of more than \$2,500 but not more than  
 63 \$15,000.....\$295.
- 64 5. For all claims of more than \$15,000\$395.
- 65 6. In addition, for all proceedings of garnishment,  
 66 attachment, replevin, and distress.....\$85.
- 67 ~~7.6.~~ Notwithstanding subparagraphs 3. and ~~6. 5.~~, for all  
 68 claims of not more than \$1,000 filed simultaneously with an  
 69 action for replevin of property that is the subject of the claim\$125.
- 70 ~~8.7.~~ For removal of tenant action.....\$180.

71  
 72 The filing fee in subparagraph ~~7.6.~~ is the total fee due under  
 73 this paragraph for that type of filing, and no other filing fee  
 74 under this paragraph may be assessed against such a filing.

75 (b) The first \$15 of the filing fee collected under

76 | subparagraph (a)4. and the first \$10 of the filing fee collected  
77 | under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited  
78 | in the State Courts Revenue Trust Fund. By the 10th day of each  
79 | month, the clerk shall submit that portion of the fees collected  
80 | in the previous month which is in excess of one-twelfth of the  
81 | clerk's total budget for the performance of court-related  
82 | functions to the Department of Revenue for deposit into the  
83 | Clerks of the Court Trust Fund. An additional filing fee of \$4  
84 | shall be paid to the clerk. The clerk shall transfer \$3.50 to  
85 | the Department of Revenue for deposit into the Court Education  
86 | Trust Fund and shall transfer 50 cents to the Department of  
87 | Revenue for deposit into the Administrative Trust Fund within  
88 | the Department of Financial Services to fund clerk education  
89 | provided by the Florida Clerks of Court Operations Corporation.  
90 | Postal charges incurred by the clerk of the county court in  
91 | making service by mail on defendants or other parties shall be  
92 | paid by the party at whose instance service is made. Except as  
93 | provided in this section, filing fees and service charges for  
94 | performing duties of the clerk relating to the county court  
95 | shall be as provided in ss. 28.24 and 28.241. Except as  
96 | otherwise provided in this section, all filing fees shall be  
97 | retained as fee income of the office of the clerk of the circuit  
98 | court. Filing fees imposed by this section may not be added to  
99 | any penalty imposed by chapter 316 or chapter 318.

100 | (e) Of the first \$200 in filing fees payable under

101 subparagraph (a)5., \$195 must be remitted to the Department of  
102 Revenue for deposit into the State Courts Revenue Trust Fund, \$4  
103 must be remitted to the Department of Revenue for deposit into  
104 the Administrative Trust Fund within the Department of Financial  
105 Services and used to fund the contract with the Florida Clerks  
106 of Court Operations Corporation created in s. 28.35, and \$1 must  
107 be remitted to the Department of Revenue for deposit into the  
108 Administrative Trust Fund within the Department of Financial  
109 Services to fund audits of individual clerks' court-related  
110 expenditures conducted by the Department of Financial Services.  
111 By the 10th day of each month, the clerk shall submit that  
112 portion of the filing fees collected pursuant to this subsection  
113 in the previous month which is in excess of one-twelfth of the  
114 clerk's total budget to the Department of Revenue for deposit  
115 into the Clerks of the Court Trust Fund.

116 Section 4. Subsection (1) of section 44.108, Florida  
117 Statutes, is amended to read:

118 44.108 Funding of mediation and arbitration.—

119 (1) Mediation and arbitration should be accessible to all  
120 parties regardless of financial status. A filing fee of \$1 is  
121 levied on all proceedings in the circuit or county courts to  
122 fund mediation and arbitration services which are the  
123 responsibility of the Supreme Court pursuant to the provisions  
124 of s. 44.106. However, the filing fee shall not be levied upon  
125 an appeal from the county court to the circuit court for a claim

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126 | of more than \$15,000. The clerk of the court shall forward the  
127 | moneys collected to the Department of Revenue for deposit in the  
128 | State Courts Revenue Trust Fund.

129 |       Section 5. This act shall take effect July 1, 2018.