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CS/CS/HB 337, Engrossed 1

2019 Legislature

1
 2 An act relating to courts; amending s. 26.012, F.S.;
 3 revising the appellate jurisdiction of circuit courts;
 4 providing for future repeal; amending s. 28.35, F.S.;
 5 modifying calculation of total combined budgets of the
 6 clerks of the court; providing a definition; amending
 7 s. 28.36, F.S.; providing for modified revenue
 8 projection relating to proposed budget of clerks of
 9 the court; providing a definition; amending s. 28.37,
 10 F.S.; providing for deposit of certain funds into
 11 specified trust funds or General Revenue Fund;
 12 amending s. 27.52, F.S.; providing for deposit of
 13 certain fees into General Revenue Fund; amending s.
 14 28.24, F.S.; providing for deposit of certain fees
 15 into General Revenue Fund; amending s. 28.2401, F.S.;
 16 providing for deposit of certain fees into General
 17 Revenue Fund; amending s. 28.241, F.S.; providing for
 18 deposit of certain fees into General Revenue Fund;
 19 requiring specified filing fees for appeals from
 20 certain county courts; amending s. 34.01, F.S.;
 21 providing for deposit of certain fees into the General
 22 Revenue Fund; increasing the jurisdictional limit for
 23 actions at law by county courts on specified dates;
 24 requiring the State Courts Administrator to submit a
 25 report containing certain recommendations and reviews

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26 to the Governor and the Legislature by a specified
27 date; amending s. 34.041, F.S.; providing county court
28 civil filing fees for claims of specified values;
29 providing for distribution of the fees; amending s.
30 44.108, F.S.; prohibiting the levy of certain fees for
31 mediation services in certain cases; amending s.
32 45.035, F.S.; providing for deposit of certain fees
33 into General Revenue Fund; amending s. 55.505, F.S.;
34 providing for deposit of certain fees into General
35 Revenue Fund; amending s. 61.14, F.S.; providing for
36 deposit of certain fees into General Revenue Fund;
37 amending s. 316.193, F.S., providing for deposit of
38 certain fees into General Revenue Fund; amending s.
39 318.14, F.S., providing for deposit of certain fees
40 into General Revenue Fund; amending s. 318.15, F.S.;
41 providing for deposit of certain fees into General
42 Revenue Fund; amending s. 318.18, F.S.; providing for
43 deposit of certain fees into General Revenue Fund;
44 amending s. 322.245, F.S.; providing for deposit of
45 certain fees into General Revenue Fund; amending s.
46 327.35, F.S.; providing for deposit of certain fees
47 into General Revenue Fund; amending s. 327.73, F.S.;
48 providing for deposit of certain fees into General
49 Revenue Fund; amending s. 379.401, F.S.; providing for
50 deposit of certain fees into General Revenue Fund;

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51 amending s. 713.24, F.S.; providing for deposit of
 52 certain fees into General Revenue Fund; amending s.
 53 721.83, F.S.; providing for deposit of certain fees
 54 into General Revenue Fund; amending s. 744.365, F.S.;
 55 providing for deposit of certain fees into General
 56 Revenue Fund; amending s. 744.3678, F.S.; providing
 57 for deposit of certain fees into General Revenue Fund;
 58 amending s. 766.104, F.S.; providing for deposit of
 59 certain fees into General Revenue Fund; amending s.
 60 938.05, F.S.; providing for deposit of certain fees
 61 into General Revenue Fund; providing for
 62 retroactivity; providing applicability; requiring a
 63 certain Legislative review; providing effective dates.

64
 65 Be It Enacted by the Legislature of the State of Florida:

66
 67 Section 1. Effective January 1, 2020, subsection (1) of
 68 section 26.012, Florida Statutes, is amended to read:

69 26.012 Jurisdiction of circuit court.—

70 (1) Circuit courts shall have jurisdiction of appeals from
 71 county courts except:

72 (a) Appeals of county court orders or judgments where the
 73 amount in controversy is greater than \$15,000. This paragraph is
 74 repealed on January 1, 2023.

75 (b) Appeals of county court orders or judgments declaring

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76 | invalid a state statute or a provision of the State
 77 | Constitution. ~~and except~~

78 | (c) Orders or judgments of a county court which are
 79 | certified by the county court to the district court of appeal to
 80 | be of great public importance and which are accepted by the
 81 | district court of appeal for review.

82 |
 83 | Circuit courts shall have jurisdiction of appeals from final
 84 | administrative orders of local government code enforcement
 85 | boards.

86 | Section 2. Paragraph (f) of subsection (2) of section
 87 | 28.35, Florida Statutes, is amended to read:

88 | 28.35 Florida Clerks of Court Operations Corporation.—

89 | (2) The duties of the corporation shall include the
 90 | following:

91 | (f) Approving the proposed budgets submitted by clerks of
 92 | the court pursuant to s. 28.36. The corporation must ensure that
 93 | the total combined budgets of the clerks of the court do not
 94 | exceed the total estimated revenues from fees, service charges,
 95 | costs, and fines for court-related functions available for
 96 | court-related expenditures as determined by the most recent
 97 | Revenue Estimating Conference, plus the total of unspent
 98 | budgeted funds for court-related functions carried forward by
 99 | the clerks of the court from the previous county fiscal year and
 100 | plus the balance of funds remaining in the Clerk of the Court

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101 Trust Fund after the transfer of funds to the General Revenue
102 Fund required pursuant to s. 28.37(3)(b). The corporation may
103 amend any individual clerk of the court budget to ensure
104 compliance with this paragraph and must consider performance
105 measures, workload performance standards, workload measures, and
106 expense data before modifying the budget. As part of this
107 process, the corporation shall:

108 1. Calculate the minimum amount of revenue necessary for
109 each clerk of the court to efficiently perform the list of
110 court-related functions specified in paragraph (3)(a). The
111 corporation shall apply the workload measures appropriate for
112 determining the individual level of review required to fund the
113 clerk's budget.

114 2. Prepare a cost comparison of similarly situated clerks
115 of the court, based on county population and numbers of filings,
116 using the standard list of court-related functions specified in
117 paragraph (3)(a).

118 3. Conduct an annual base budget review and an annual
119 budget exercise examining the total budget of each clerk of the
120 court. The review shall examine revenues from all sources,
121 expenses of court-related functions, and expenses of noncourt-
122 related functions as necessary to determine that court-related
123 revenues are not being used for noncourt-related purposes. The
124 review and exercise shall identify potential targeted budget
125 reductions in the percentage amount provided in Schedule VIII-B

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126 of the state's previous year's legislative budget instructions,
127 as referenced in s. 216.023(3), or an equivalent schedule or
128 instruction as may be adopted by the Legislature.

129 4. Identify those proposed budgets containing funding for
130 items not included on the standard list of court-related
131 functions specified in paragraph (3)(a).

132 5. Identify those clerks projected to have court-related
133 revenues insufficient to fund their anticipated court-related
134 expenditures.

135 6. Use revenue estimates based on the official estimate
136 for funds from fees, service charges, costs, and fines for
137 court-related functions accruing to the clerks of the court made
138 by the Revenue Estimating Conference, as well as any unspent
139 budgeted funds for court-related functions carried forward by
140 the clerks of the court from the previous county fiscal year and
141 the balance of funds remaining in the Clerk of the Court Trust
142 Fund after the transfer of funds to the General Revenue Fund
143 required pursuant to s. 28.37(3)(b). ~~The total combined budgets~~
144 ~~of the clerks of the court may not exceed the revenue estimates~~
145 ~~established by the most recent Revenue Estimating Conference.~~

146 7. Identify pay and benefit increases in any proposed
147 clerk budget, including, but not limited to, cost of living
148 increases, merit increases, and bonuses.

149 8. Identify increases in anticipated expenditures in any
150 clerk budget that exceeds the current year budget by more than 3

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151 | percent.

152 | 9. Identify the budget of any clerk which exceeds the
153 | average budget of similarly situated clerks by more than 10
154 | percent.

155 |

156 | For the purposes of this paragraph, the term "unspent budgeted
157 | funds for court-related functions" means undisbursed funds
158 | included in the clerks of the courts budgets for court-related
159 | functions established pursuant to this section and s. 28.36.

160 | Section 3. Paragraph (b) of subsection (2) of section
161 | 28.36, Florida Statutes, is amended to read:

162 | 28.36 Budget procedure.—There is established a budget
163 | procedure for the court-related functions of the clerks of the
164 | court.

165 | (2) Each proposed budget shall further conform to the
166 | following requirements:

167 | (b) The proposed budget must be balanced such that the
168 | total of the estimated revenues available equals or exceeds the
169 | total of the anticipated expenditures. Such revenues include
170 | revenue projected to be received from fees, service charges,
171 | costs, and fines for court-related functions during the fiscal
172 | period covered by the budget, plus the total of unspent budgeted
173 | funds for court-related functions carried forward by the clerk
174 | of the court from the previous county fiscal year and plus the
175 | portion of the balance of funds remaining in the Clerk of the

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176 Court Trust Fund after the transfer of funds to the General
 177 Revenue Fund required pursuant to s. 28.37(3)(b) which has been
 178 allocated to each respective clerk of the court by the Clerk of
 179 Courts Corporation. For the purposes of this paragraph, the term
 180 "unspent budgeted funds for court-related functions" means
 181 undisbursed funds included in the clerk of the courts' budget
 182 for court related functions established pursuant to s. 28.35 and
 183 this section. The anticipated expenditures must be itemized as
 184 required by the corporation.

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

187 28.37 Fines, fees, service charges, and costs remitted to
 188 the state.—

189 (3) (a) Each year, no later than January 25, 2015, ~~and each~~
 190 ~~January 25 thereafter~~ for the previous county fiscal year, the
 191 clerks of court, in consultation with the Florida Clerks of
 192 Court Operations Corporation, shall remit to the Department of
 193 Revenue for deposit in the Clerks of the Court Trust Fund
 194 ~~General Revenue Fund~~ the cumulative excess of all fines, fees,
 195 service charges, and costs retained by the clerks of the court,
 196 plus any funds received by the clerks of the court from the
 197 Clerks of the Court Trust Fund under s. 28.36(3), which exceed
 198 the amount needed to meet their authorized budget amounts
 199 established under s. 28.35.

200 (b)1. No later than February 1, 2020, the Department of

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201 Revenue shall transfer from the Clerks of the Court Trust Fund
 202 to the General Revenue Fund the sum of the cumulative excess of
 203 all fines, fees, service charges, and costs submitted by the
 204 clerks of court pursuant to subsection (2) and the cumulative
 205 excess of all fines, fees, service charges, and costs remitted
 206 by the clerks of court pursuant to paragraph (a) in excess of
 207 \$10 million.

208 2. No later than February 1, 2021, the Department of
 209 Revenue shall transfer from the Clerks of the Court Trust Fund
 210 to the General Revenue Fund not less than 50 percent of the sum
 211 of the cumulative excess of all fines, fees, service charges,
 212 and costs submitted by the clerks of court pursuant to
 213 subsection (2) and the cumulative excess of all fines, fees,
 214 service charges, and costs remitted by the clerks of court
 215 pursuant to paragraph (a); provided however, the balance
 216 remaining in the Clerks of Courts Trust Fund after such transfer
 217 may not be more than \$20 million.

218 3. No later than February 1, 2022, the Department of
 219 Revenue shall transfer from the Clerks of the Court Trust Fund
 220 to the General Revenue Fund not less than 50 percent of the sum
 221 of the cumulative excess of all fines, fees, service charges,
 222 and costs submitted by the clerks of court pursuant to
 223 subsection (2) and the cumulative excess of all fines, fees,
 224 service charges, and costs remitted by the clerks of court
 225 pursuant to paragraph (a); provided however, the balance

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226 remaining in the Clerks of Courts Trust Fund after such transfer
 227 may not be more than \$20 million.

228 4. No later than February 1, 2023, and each February 1
 229 thereafter, the Department of Revenue shall transfer from the
 230 Clerks of the Court Trust Fund to the General Revenue Fund the
 231 cumulative excess of all fines, fees, service charges, and costs
 232 submitted by the clerks of court pursuant to subsection (2) and
 233 the cumulative excess of all fines, fees, service charges, and
 234 costs remitted by the clerks of court pursuant to paragraph (a).

235 ~~The Department of Revenue shall transfer from the Clerks of~~
 236 ~~Court Trust Fund to the General Revenue Fund the cumulative~~
 237 ~~excess of all fines, fees, service charges, and costs submitted~~
 238 ~~by the clerks of court pursuant to subsection (2). However, if~~
 239 ~~the official estimate for funds accruing to the clerks of court~~
 240 ~~made by the Revenue Estimating Conference for the current fiscal~~
 241 ~~year or the next fiscal year is less than the cumulative amount~~
 242 ~~of authorized budgets for the clerks of court for the current~~
 243 ~~fiscal year, the Department of Revenue shall retain in the~~
 244 ~~Clerks of the Court Trust Fund the estimated amount needed to~~
 245 ~~fully fund the clerks of court for the current and next fiscal~~
 246 ~~year based upon the current budget established under s. 28.35.~~

247 Section 5. Effective upon this act becoming a law and
 248 retroactive to July 1, 2008, paragraphs (b) and (d) of
 249 subsection (1) of section 27.52, Florida Statutes, are amended
 250 to read:

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251 27.52 Determination of indigent status.—

252 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 253 of a public defender under s. 27.51 based upon an inability to
 254 pay must apply to the clerk of the court for a determination of
 255 indigent status using an application form developed by the
 256 Florida Clerks of Court Operations Corporation with final
 257 approval by the Supreme Court.

258 (b) An applicant shall pay a \$50 application fee to the
 259 clerk for each application for court-appointed counsel filed.
 260 The applicant shall pay the fee within 7 days after submitting
 261 the application. If the applicant does not pay the fee prior to
 262 the disposition of the case, the clerk shall notify the court,
 263 and the court shall:

264 1. Assess the application fee as part of the sentence or
 265 as a condition of probation; or

266 2. Assess the application fee pursuant to s. 938.29.

267 (d) All application fees collected by the clerk under this
 268 section shall be transferred monthly by the clerk to the
 269 Department of Revenue for deposit in the Indigent Criminal
 270 Defense Trust Fund administered by the Justice Administrative
 271 Commission, to be used to as appropriated by the Legislature.
 272 The clerk may retain 2 percent of application fees collected
 273 monthly for administrative costs from which the clerk shall
 274 remit \$0.20 from each application fee to the Department of
 275 Revenue for deposit into the General Revenue Fund prior to

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301 which the clerk shall remit 0.50 per instrument to the
 302 Department of Revenue for deposit into the General Revenue Fund.

303 (3) For certifying copies of any instrument in the public
 304 records 2.00, from which the clerk shall remit 0.50 to the
 305 Department of Revenue for deposit into the General Revenue Fund.

306 (4) For verifying any instrument presented for
 307 certification prepared by someone other than clerk, per page
 308 3.50, from which the clerk shall remit 0.50 per page to the
 309 Department of Revenue for deposit into the General Revenue Fund.

310 (6) For making microfilm copies of any public records:

311 (a) 16 mm 100' microfilm roll 42.00, from which the clerk
 312 shall remit 4.50 to the Department of Revenue for deposit into
 313 the General Revenue Fund.

314 (b) 35 mm 100' microfilm roll 60.00, from which the clerk
 315 shall remit 7.50 to the Department of Revenue for deposit into
 316 the General Revenue Fund.

317 (c) Microfiche, per fiche 3.50, from which the clerk
 318 shall remit 0.50 to the Department of Revenue for deposit into
 319 the General Revenue Fund.

320 (8) For writing any paper other than herein specifically
 321 mentioned, same as for copying, including signing and sealing
 322 7.00, from which the clerk shall remit 1.00 to the Department of
 323 Revenue for deposit into the General Revenue Fund.

324 (10) For receiving money into the registry of court:

325 (b) Eminent domain actions, per deposit 170.00, from

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326 which the clerk shall remit 20.00 per deposit to the Department
 327 of Revenue for deposit into the General Revenue Fund.

328 (13) Oath, administering, attesting, and sealing, not
 329 otherwise provided for herein 3.50, from which the clerk shall
 330 remit 0.50 to the Department of Revenue for deposit into the
 331 General Revenue Fund.

332 (14) For validating certificates, any authorized bonds,
 333 each 3.50, from which the clerk shall remit 0.50 each to the
 334 Department of Revenue for deposit into the General Revenue Fund.

335 (16) For exemplified certificates, including signing and
 336 sealing 7.00, from which the clerk shall remit 1.00 to the
 337 Department of Revenue for deposit into the General Revenue Fund.

338 (17) For authenticated certificates, including signing and
 339 sealing 7.00, from which the clerk shall remit 1.00 to the
 340 Department of Revenue for deposit into the General Revenue Fund.

341 (18) (a) For issuing and filing a subpoena for a witness,
 342 not otherwise provided for herein (includes writing, preparing,
 343 signing, and sealing) 7.00, from which the clerk shall remit
 344 1.00 to the Department of Revenue for deposit into the General
 345 Revenue Fund.

346 (b) For signing and sealing only 2.00, from which the
 347 clerk shall remit 0.50 to the Department of Revenue for deposit
 348 into the General Revenue Fund.

349 (19) For approving bond 8.50, from which the clerk shall
 350 remit 1.00 to the Department of Revenue for deposit into the

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351 General Revenue Fund.

352 (20) For searching of records, for each year's search
 353 2.00, from which the clerk shall remit 0.50 for each year's
 354 search to the Department of Revenue for deposit into the General
 355 Revenue Fund.

356 (25) For sealing any court file or expungement of any
 357 record 42.00, from which the clerk shall remit 4.50 to the
 358 Department of Revenue for deposit into the General Revenue Fund.

359 (26) (a) For receiving and disbursing all restitution
 360 payments, per payment 3.50, from which the clerk shall remit
 361 0.50 per payment to the Department of Revenue for deposit into
 362 the General Revenue Fund.

363 Section 7. Effective upon this act becoming a law and
 364 retroactive to July 1, 2008, subsection (1) of section 28.2401,
 365 Florida Statutes, is amended to read:

366 28.2401 Service charges and filing fees in probate
 367 matters.—

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

371 (a) Fee for the opening of any estate of one document or
 372 more, including, but not limited to, petitions and orders to
 373 approve settlement of minor's claims; to open a safe-deposit
 374 box; to enter rooms and places; for the determination of heirs,
 375 if not formal administration; and for a foreign guardian to

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- 376 manage property of a nonresident; but not to include issuance of
- 377 letters or order of summary administration.....\$230
- 378 (b) Charge for caveat.....\$40
- 379 (c) Fee for petition and order to admit foreign wills,
- 380 authenticated copies, exemplified copies, or transcript to
- 381 record.....\$230
- 382 (d) Fee for disposition of personal property without
- 383 administration.....\$230
- 384 (e) Fee for summary administration—estates valued at
- 385 \$1,000 or more.....\$340
- 386 (f) Fee for summary administration—estates valued at less
- 387 than \$1,000.....\$230
- 388 (g) Fee for formal administration, guardianship,
- 389 ancillary, curatorship, or conservatorship proceedings..\$395
- 390 (h) Fee for guardianship proceedings of person only\$230
- 391 (i) Fee for veterans' guardianship pursuant to chapter 744
- 392 \$230
- 393 (j) Charge for exemplified certificates.....\$7
- 394 (k) Fee for petition for determination of incompetency
- 395 \$230

396

397 The clerk shall remit \$115 of each filing fee collected under

398 paragraphs (a), (c)-(i), and (k) to the Department of Revenue

399 for deposit into the State Courts Revenue Trust Fund and shall

400 remit \$15 of each filing fee collected under paragraphs (a),

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401 (c), (d), (f), (h), (i) and (k), \$1 of each filing fee collected
 402 under paragraph (j), \$5 of each filing fee collected under
 403 paragraph (b), \$25 of each filing fee collected under paragraph
 404 (e), and \$30 of each filing fee collected under paragraph (g) to
 405 the Department of Revenue for deposit into the General Revenue
 406 Fund.

407 Section 8. Effective upon this act becoming a law and
 408 retroactive to July 1, 2008, subsections (1) and (2) of section
 409 28.241, Florida Statutes, are amended to read:

410 28.241 Filing fees for trial and appellate proceedings.—

411 (1) Filing fees are due at the time a party files a
 412 pleading to initiate a proceeding or files a pleading for
 413 relief. Reopen fees are due at the time a party files a pleading
 414 to reopen a proceeding if at least 90 days have elapsed since
 415 the filing of a final order or final judgment with the clerk. If
 416 a fee is not paid upon the filing of the pleading as required
 417 under this section, the clerk shall pursue collection of the fee
 418 pursuant to s. 28.246.

419 (a)1.a. Except as provided in sub-subparagraph b. and
 420 subparagraph 2., the party instituting any civil action, suit,
 421 or proceeding in the circuit court shall pay to the clerk of
 422 that court a filing fee of up to \$395 in all cases in which
 423 there are not more than five defendants and an additional filing
 424 fee of up to \$2.50, from which the clerk shall remit \$0.50 to
 425 the Department of Revenue for deposit into the General Revenue

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426 Fund, for each defendant in excess of five. Of the first \$200 in
427 filing fees, \$195 must be remitted to the Department of Revenue
428 for deposit into the State Courts Revenue Trust Fund, \$4 must be
429 remitted to the Department of Revenue for deposit into the
430 Administrative Trust Fund within the Department of Financial
431 Services and used to fund the contract with the Florida Clerks
432 of Court Operations Corporation created in s. 28.35, and \$1 must
433 be remitted to the Department of Revenue for deposit into the
434 Administrative Trust Fund within the Department of Financial
435 Services to fund audits of individual clerks' court-related
436 expenditures conducted by the Department of Financial Services.
437 By the 10th of each month, the clerk shall submit that portion
438 of the filing fees collected in the previous month which is in
439 excess of one-twelfth of the clerk's total budget to the
440 Department of Revenue for deposit into the Clerks of the Court
441 Trust Fund.

442 b. The party instituting any civil action, suit, or
443 proceeding in the circuit court under chapter 39, chapter 61,
444 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
445 753 shall pay to the clerk of that court a filing fee of up to
446 \$295 in all cases in which there are not more than five
447 defendants and an additional filing fee of up to \$2.50 for each
448 defendant in excess of five. Of the first \$100 in filing fees,
449 \$95 must be remitted to the Department of Revenue for deposit
450 into the State Courts Revenue Trust Fund, \$4 must be remitted to

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451 the Department of Revenue for deposit into the Administrative
452 Trust Fund within the Department of Financial Services and used
453 to fund the contract with the Florida Clerks of Court Operations
454 Corporation created in s. 28.35, and \$1 must be remitted to the
455 Department of Revenue for deposit into the Administrative Trust
456 Fund within the Department of Financial Services to fund audits
457 of individual clerks' court-related expenditures conducted by
458 the Department of Financial Services.

459 c. An additional filing fee of \$4 shall be paid to the
460 clerk. The clerk shall remit \$3.50 to the Department of Revenue
461 for deposit into the Court Education Trust Fund and shall remit
462 50 cents to the Department of Revenue for deposit into the
463 Administrative Trust Fund within the Department of Financial
464 Services to fund clerk education provided by the Florida Clerks
465 of Court Operations Corporation. An additional filing fee of up
466 to \$18 shall be paid by the party seeking each severance that is
467 granted, from which the clerk shall remit \$3 to the Department
468 of Revenue for deposit into the General Revenue Fund. The clerk
469 may impose an additional filing fee of up to \$85, from which the
470 clerk shall remit \$10 to the Department of Revenue for deposit
471 into the General Revenue Fund, for all proceedings of
472 garnishment, attachment, replevin, and distress. Postal charges
473 incurred by the clerk of the circuit court in making service by
474 certified or registered mail on defendants or other parties
475 shall be paid by the party at whose instance service is made.

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

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

483 b. A party shall estimate in writing the amount in
484 controversy of the claim upon filing the action. For purposes of
485 this subparagraph, the value of a mortgage foreclosure action is
486 based upon the principal due on the note secured by the
487 mortgage, plus interest owed on the note and any moneys advanced
488 by the lender for property taxes, insurance, and other advances
489 secured by the mortgage, at the time of filing the foreclosure.
490 The value shall also include the value of any tax certificates
491 related to the property. In stating the value of a mortgage
492 foreclosure claim, a party shall declare in writing the total
493 value of the claim, as well as the individual elements of the
494 value as prescribed in this sub-subparagraph.

495 c. In its order providing for the final disposition of the
496 matter, the court shall identify the actual value of the claim.
497 The clerk shall adjust the filing fee if there is a difference
498 between the estimated amount in controversy and the actual value
499 of the claim and collect any additional filing fee owed or
500 provide a refund of excess filing fee paid.

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

502 (I) Three hundred and ninety-five dollars in all cases in

503 which the value of the claim is \$50,000 or less and in which

504 there are not more than five defendants. The party shall pay an

505 additional filing fee of up to \$2.50 for each defendant in

506 excess of five. Of the first \$200 in filing fees, \$195 must be

507 remitted by the clerk to the Department of Revenue for deposit

508 into the General Revenue Fund, \$4 must be remitted to the

509 Department of Revenue for deposit into the Administrative Trust

510 Fund within the Department of Financial Services and used to

511 fund the contract with the Florida Clerks of Court Operations

512 Corporation created in s. 28.35, and \$1 must be remitted to the

513 Department of Revenue for deposit into the Administrative Trust

514 Fund within the Department of Financial Services to fund audits

515 of individual clerks' court-related expenditures conducted by

516 the Department of Financial Services;

517 (II) Nine hundred dollars in all cases in which the value

518 of the claim is more than \$50,000 but less than \$250,000 and in

519 which there are not more than five defendants. The party shall

520 pay an additional filing fee of up to \$2.50 for each defendant

521 in excess of five. Of the first \$705 in filing fees, \$700 must

522 be remitted by the clerk to the Department of Revenue for

523 deposit into the General Revenue Fund, except that the first

524 \$1.5 million in such filing fees remitted to the Department of

525 Revenue and deposited into the General Revenue Fund in fiscal

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526 | year 2018-2019 shall be distributed to the Miami-Dade County
 527 | Clerk of Court; \$4 must be remitted to the Department of Revenue
 528 | for deposit into the Administrative Trust Fund within the
 529 | Department of Financial Services and used to fund the contract
 530 | with the Florida Clerks of Court Operations Corporation created
 531 | in s. 28.35; and \$1 must be remitted to the Department of
 532 | Revenue for deposit into the Administrative Trust Fund within
 533 | the Department of Financial Services to fund audits of
 534 | individual clerks' court-related expenditures conducted by the
 535 | Department of Financial Services; or

536 | (III) One thousand nine hundred dollars in all cases in
 537 | which the value of the claim is \$250,000 or more and in which
 538 | there are not more than five defendants. The party shall pay an
 539 | additional filing fee of up to \$2.50 for each defendant in
 540 | excess of five. Of the first \$1,705 in filing fees, \$930 must be
 541 | remitted by the clerk to the Department of Revenue for deposit
 542 | into the General Revenue Fund, \$770 must be remitted to the
 543 | Department of Revenue for deposit into the State Courts Revenue
 544 | Trust Fund, \$4 must be remitted to the Department of Revenue for
 545 | deposit into the Administrative Trust Fund within the Department
 546 | of Financial Services to fund the contract with the Florida
 547 | Clerks of Court Operations Corporation created in s. 28.35, and
 548 | \$1 must be remitted to the Department of Revenue for deposit
 549 | into the Administrative Trust Fund within the Department of
 550 | Financial Services to fund audits of individual clerks' court-

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551 related expenditures conducted by the Department of Financial
552 Services.

553 e. An additional filing fee of \$4 shall be paid to the
554 clerk. The clerk shall remit \$3.50 to the Department of Revenue
555 for deposit into the Court Education Trust Fund and shall remit
556 50 cents to the Department of Revenue for deposit into the
557 Administrative Trust Fund within the Department of Financial
558 Services to fund clerk education provided by the Florida Clerks
559 of Court Operations Corporation. An additional filing fee of up
560 to \$18 shall be paid by the party seeking each severance that is
561 granted. The clerk may impose an additional filing fee of up to
562 \$85 for all proceedings of garnishment, attachment, replevin,
563 and distress. Postal charges incurred by the clerk of the
564 circuit court in making service by certified or registered mail
565 on defendants or other parties shall be paid by the party at
566 whose instance service is made. Additional fees, charges, or
567 costs may not be added to the filing fees imposed under this
568 section, except as authorized in this section or by general law.

569 (b) A party reopening any civil action, suit, or
570 proceeding in the circuit court shall pay to the clerk of court
571 a filing fee set by the clerk in an amount not to exceed \$50.
572 For purposes of this section, a case is reopened after all
573 appeals have been exhausted or time to file an appeal from a
574 final order or final judgment has expired. A reopen fee may be
575 assessed by the clerk for any motion filed by any party at least

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576 | 90 days after a final order or final judgment has been filed
 577 | with the clerk in the initial case. A reservation of
 578 | jurisdiction by a court does not cause a case to remain open for
 579 | purposes of this section or exempt a party from paying a reopen
 580 | fee. A party is exempt from paying the fee for any of the
 581 | following:

- 582 | 1. A writ of garnishment;
- 583 | 2. A writ of replevin;
- 584 | 3. A distress writ;
- 585 | 4. A writ of attachment;
- 586 | 5. A motion for rehearing filed within 10 days;
- 587 | 6. A motion for attorney's fees filed within 30 days after
 588 | entry of a judgment or final order;
- 589 | 7. A motion for dismissal filed after a mediation
 590 | agreement has been filed;
- 591 | 8. A disposition of personal property without
 592 | administration;
- 593 | 9. Any probate case prior to the discharge of a personal
 594 | representative;
- 595 | 10. Any guardianship pleading prior to discharge;
- 596 | 11. Any mental health pleading;
- 597 | 12. Motions to withdraw by attorneys;
- 598 | 13. Motions exclusively for the enforcement of child
 599 | support orders;
- 600 | 14. A petition for credit of child support;

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601 15. A Notice of Intent to Relocate and any order issuing
602 as a result of an uncontested relocation;

603 16. Stipulations and motions to enforce stipulations;

604 17. Responsive pleadings;

605 18. Cases in which there is no initial filing fee; or

606 19. Motions for contempt.

607 (c)1. A party in addition to a party described in sub-
608 subparagraph (a)1.a. who files a pleading in an original civil
609 action in circuit court for affirmative relief by cross-claim,
610 counterclaim, counterpetition, or third-party complaint shall
611 pay the clerk of court a fee of \$395. A party in addition to a
612 party described in sub-subparagraph (a)1.b. who files a pleading
613 in an original civil action in circuit court for affirmative
614 relief by cross-claim, counterclaim, counterpetition, or third-
615 party complaint shall pay the clerk of court a fee of \$295. The
616 clerk shall deposit the fee into the fine and forfeiture fund
617 established pursuant to s. 142.01.

618 2. A party in addition to a party described in
619 subparagraph (a)2. who files a pleading in an original civil
620 action in circuit court for affirmative relief by cross-claim,
621 counterclaim, counterpetition, or third-party complaint shall
622 pay the clerk of court a graduated fee of:

623 a. Three hundred and ninety-five dollars in all cases in
624 which the value of the pleading is \$50,000 or less;

625 b. Nine hundred dollars in all cases in which the value of

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626 the pleading is more than \$50,000 but less than \$250,000; or
 627 c. One thousand nine hundred dollars in all cases in which
 628 the value of the pleading is \$250,000 or more.

629
 630 The clerk shall deposit the fees collected under this
 631 subparagraph into the fine and forfeiture fund established
 632 pursuant to s. 142.01.

633 (d) The clerk of court shall collect a service charge of
 634 \$10 for issuing an original, a certified copy, or an electronic
 635 certified copy of a summons, which the clerk shall remit to the
 636 Department of Revenue for deposit into the General Revenue Fund.
 637 The clerk shall assess the fee against the party seeking to have
 638 the summons issued.

639 (2) Upon the institution of any appellate proceeding from
 640 any lower court to the circuit court of any such county,
 641 including appeals filed by a county or municipality as provided
 642 in s. 34.041(5), or from the county or circuit court to an
 643 appellate court of the state, the clerk shall charge and collect
 644 from the party or parties instituting such appellate proceedings
 645 a filing fee not to exceed \$280, from which the clerk shall
 646 remit \$20 to the Department of Revenue for deposit into the
 647 General Revenue Fund, for filing a notice of appeal from the
 648 county court to the circuit court and, in addition to the filing
 649 fee required under s. 25.241 or s. 35.22, \$100 for filing a
 650 notice of appeal from the county or circuit court to the

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651 district court of appeal or to the Supreme Court. If the party
 652 is determined to be indigent, the clerk shall defer payment of
 653 the fee otherwise required by this subsection.

654 Section 9. Effective January 1, 2020, subsection (1) of
 655 section 34.01, Florida Statutes, is amended to read:

656 34.01 Jurisdiction of county court.—

657 (1) County courts shall have original jurisdiction:

658 (a) In all misdemeanor cases not cognizable by the circuit
 659 courts.~~†~~

660 (b) Of all violations of municipal and county ordinances.~~†~~

661 (c) Of all actions at law, except those within the
 662 exclusive jurisdiction of the circuit courts, in which the
 663 matter in controversy does not exceed ~~the sum of \$15,000,~~
 664 exclusive of interest, costs, and attorney ~~attorney's~~ fees;~~†~~
 665 ~~except those within the exclusive jurisdiction of the circuit~~
 666 ~~courts; and~~

667 1. If filed on or before December 31, 2019, the sum of
 668 \$15,000.

669 2. If filed on or after January 1, 2020, the sum of
 670 \$30,000.

671 3. If filed on or after January 1, 2023, the sum of
 672 \$50,000.

673 (d) Of disputes occurring in the homeowners' associations
 674 as described in s. 720.311(2)(a), which shall be concurrent with
 675 jurisdiction of the circuit courts.

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676
 677 By February 1, 2021, the Office of the State Courts
 678 Administrator shall submit a report to the Governor, the
 679 President of the Senate, and the Speaker of the House of
 680 Representatives. The report must make recommendations regarding
 681 the adjustment of county court jurisdiction, including, but not
 682 limited to, consideration of the claim value of filings in
 683 county court and circuit court, case events, timeliness in
 684 processing cases, and any fiscal impact to the state as a result
 685 of adjusted jurisdictional limits. The clerks of the circuit
 686 court and county court shall provide claim value data and
 687 necessary case event data to the office to be used in
 688 development of the report. The report must also include a review
 689 of fees to ensure that the court system is adequately funded and
 690 a review of the appellate jurisdiction of the district courts
 691 and the circuit courts, including the use of appellate panels by
 692 circuit courts.

693 Section 10. Effective upon this act becoming a law and
 694 retroactive to July 1, 2008, paragraphs (a), (b), (c), and (d)
 695 of subsection (1) of section 34.041, Florida Statutes, are
 696 amended, and paragraph (e) is added to that subsection, to read:

697 34.041 Filing fees.—

698 (1) (a) Filing fees are due at the time a party files a
 699 pleading to initiate a proceeding or files a pleading for
 700 relief. Reopen fees are due at the time a party files a pleading

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701 to reopen a proceeding if at least 90 days have elapsed since
 702 the filing of a final order or final judgment with the clerk. If
 703 a fee is not paid upon the filing of the pleading as required
 704 under this section, the clerk shall pursue collection of the fee
 705 pursuant to s. 28.246. Upon the institution of any civil action,
 706 suit, or proceeding in county court, the party shall pay the
 707 following filing fee, not to exceed:

- 708 1. For all claims less than \$100.....\$50.
- 709 2. For all claims of \$100 or more but not more than \$500
 710 \$75.
- 711 3. For all claims of more than \$500 but not more than
 712 \$2,500.....\$170, from which the clerk shall remit \$20 to the
 713 Department of Revenue for deposit into the General Revenue Fund.
- 714 4. For all claims of more than \$2,500 but not more than
 715 \$15,000.....\$295.
- 716 5. For all claims more than \$15,000.....\$395.
- 717 ~~6.5-~~ In addition, for all proceedings of garnishment,
 718 attachment, replevin, and distress.\$85, from which the clerk
 719 shall remit \$10 to the Department of Revenue for deposit into
 720 the General Revenue Fund.
- 721 ~~7.6-~~ Notwithstanding subparagraphs 3. and ~~6. 5-~~, for all
 722 claims of not more than \$1,000 filed simultaneously with an
 723 action for replevin of property that is the subject of the claim
 724 \$125.
- 725 ~~8.7-~~ For removal of tenant action.....\$180.

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726
 727 The filing fee in subparagraph 7. ~~6.~~ is the total fee due under
 728 this paragraph for that type of filing, and no other filing fee
 729 under this paragraph may be assessed against such a filing.

730 (b) The first \$15 of the filing fee collected under
 731 subparagraph (a)4. and the first \$10 of the filing fee collected
 732 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
 733 in the State Courts Revenue Trust Fund. By the 10th day of each
 734 month, the clerk shall submit that portion of the fees collected
 735 in the previous month which is in excess of one-twelfth of the
 736 clerk's total budget for the performance of court-related
 737 functions to the Department of Revenue for deposit into the
 738 Clerks of the Court Trust Fund. An additional filing fee of \$4
 739 shall be paid to the clerk. The clerk shall transfer \$3.50 to
 740 the Department of Revenue for deposit into the Court Education
 741 Trust Fund and shall transfer 50 cents to the Department of
 742 Revenue for deposit into the Administrative Trust Fund within
 743 the Department of Financial Services to fund clerk education
 744 provided by the Florida Clerks of Court Operations Corporation.
 745 Postal charges incurred by the clerk of the county court in
 746 making service by mail on defendants or other parties shall be
 747 paid by the party at whose instance service is made. Except as
 748 provided in this section, filing fees and service charges for
 749 performing duties of the clerk relating to the county court
 750 shall be as provided in ss. 28.24 and 28.241. Except as

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751 otherwise provided in this section, all filing fees shall be
752 retained as fee income of the office of the clerk of the circuit
753 court. Filing fees imposed by this section may not be added to
754 any penalty imposed by chapter 316 or chapter 318.

755 (c) A party in addition to a party described in paragraph
756 (a) who files a pleading in an original civil action in the
757 county court for affirmative relief by cross-claim,
758 counterclaim, counterpetition, or third-party complaint, or who
759 files a notice of cross-appeal or notice of joinder or motion to
760 intervene as an appellant, cross-appellant, or petitioner, shall
761 pay the clerk of court a fee of \$295 if the relief sought by the
762 party under this paragraph exceeds \$2,500 but is not more than
763 \$15,000 and \$395 if the relief sought by the party under this
764 paragraph exceeds \$15,000. The clerk shall remit the fee if the
765 relief sought by the party under this paragraph exceeds \$2,500
766 but is not more than \$15,000 to the Department of Revenue for
767 deposit into the General Revenue Fund. This fee does not apply
768 if the cross-claim, counterclaim, counterpetition, or third-
769 party complaint requires transfer of the case from county to
770 circuit court. However, the party shall pay to the clerk the
771 standard filing fee for the court to which the case is to be
772 transferred.

773 (d) The clerk of court shall collect a service charge of
774 \$10 for issuing a summons or an electronic certified copy of a
775 summons, which the clerk shall remit to the Department of

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776 Revenue for deposit into the General Revenue Fund. The clerk
 777 shall assess the fee against the party seeking to have the
 778 summons issued.

779 (e) Of the first \$200 in filing fees payable under
 780 subparagraph (a)5., \$195 must be remitted to the Department of
 781 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
 782 must be remitted to the Department of Revenue for deposit into
 783 the Administrative Trust Fund within the Department of Financial
 784 Services and used to fund the contract with the Florida Clerks
 785 of Court Operations Corporation created in s. 28.35, and \$1 must
 786 be remitted to the Department of Revenue for deposit into the
 787 Administrative Trust Fund within the Department of Financial
 788 Services to fund audits of individual clerks' court-related
 789 expenditures conducted by the Department of Financial Services.
 790 By the 10th day of each month, the clerk shall submit that
 791 portion of the filing fees collected pursuant to this subsection
 792 in the previous month which is in excess of one-twelfth of the
 793 clerk's total budget to the Department of Revenue for deposit
 794 into the Clerks of the Court Trust Fund.

795 Section 11. Effective January 1, 2020, subsection (2) of
 796 section 44.108, Florida Statutes, is amended to read:

797 44.108 Funding of mediation and arbitration.—

798 (2) When court-ordered mediation services are provided by
 799 a circuit court's mediation program, the following fees, unless
 800 otherwise established in the General Appropriations Act, shall

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801 | be collected by the clerk of court:

802 | (a) One-hundred twenty dollars per person per scheduled
803 | session in family mediation when the parties' combined income is
804 | greater than \$50,000, but less than \$100,000 per year;

805 | (b) Sixty dollars per person per scheduled session in
806 | family mediation when the parties' combined income is less than
807 | \$50,000; or

808 | (c) Sixty dollars per person per scheduled session in
809 | county court cases involving an amount in controversy not
810 | exceeding \$15,000.

811 |
812 | No mediation fees shall be assessed under this subsection in
813 | residential eviction cases, against a party found to be
814 | indigent, or for any small claims action. Fees collected by the
815 | clerk of court pursuant to this section shall be remitted to the
816 | Department of Revenue for deposit into the State Courts Revenue
817 | Trust Fund to fund court-ordered mediation. The clerk of court
818 | may deduct \$1 per fee assessment for processing this fee. The
819 | clerk of the court shall submit to the chief judge of the
820 | circuit and to the Office of the State Courts Administrator, no
821 | later than 30 days after the end of each quarter of the fiscal
822 | year, a report specifying the amount of funds collected and
823 | remitted to the State Courts Revenue Trust Fund under this
824 | section and any other section during the previous quarter of the
825 | fiscal year. In addition to identifying the total aggregate

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826 collections and remissions from all statutory sources, the
 827 report must identify collections and remissions by each
 828 statutory source.

829 Section 12. Effective upon this act becoming a law and
 830 retroactive to July 1, 2008, subsection (1) and paragraph (c) of
 831 subsection (2) of section 45.035, Florida Statutes, are amended
 832 to read:

833 45.035 Clerk's fees.—In addition to other fees or service
 834 charges authorized by law, the clerk shall receive service
 835 charges related to the judicial sales procedure set forth in ss.
 836 45.031-45.034 and this section:

837 (1) The clerk shall receive a service charge of \$70, from
 838 which the clerk shall remit \$10 to the Department of Revenue for
 839 deposit into the General Revenue Fund, for services in making,
 840 recording, and certifying the sale and title, which service
 841 charge shall be assessed as costs and shall be advanced by the
 842 plaintiff before the sale.

843 (2) If there is a surplus resulting from the sale, the
 844 clerk may receive the following service charges, which shall be
 845 deducted from the surplus:

846 (c) The clerk is entitled to a service charge of \$15 for
 847 each disbursement of surplus proceeds, from which the clerk
 848 shall remit \$5 to the Department of Revenue for deposit into the
 849 General Revenue Fund.

850 Section 13. Effective upon this act becoming a law and

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851 retroactive to July 1, 2008, subsection (3) of section 55.505,
 852 Florida Statutes, is amended to read:

853 55.505 Notice of recording; prerequisite to enforcement.—

854 (3) No execution or other process for enforcement of a
 855 foreign judgment recorded hereunder shall issue until 30 days
 856 after the mailing of notice by the clerk and payment of a
 857 service charge of up to \$42 to the clerk, from which the clerk
 858 shall remit \$4.50 to the Department of Revenue for deposit into
 859 the General Revenue Fund. When an action authorized in s.
 860 55.509(1) is filed, it acts as an automatic stay of the effect
 861 of this section.

862 Section 14. Effective upon this act becoming a law and
 863 retroactive to July 1, 2008, paragraphs (b), (d), (e), and (f)
 864 of subsection (6) of section 61.14, Florida Statutes, are
 865 amended to read:

866 61.14 Enforcement and modification of support,
 867 maintenance, or alimony agreements or orders.—

868 (6)

869 (b)1. When an obligor is 15 days delinquent in making a
 870 payment or installment of support and the amount of the
 871 delinquency is greater than the periodic payment amount ordered
 872 by the court, the local depository shall serve notice on the
 873 obligor informing him or her of:

874 a. The delinquency and its amount.

875 b. An impending judgment by operation of law against him

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876 or her in the amount of the delinquency and all other amounts
 877 which thereafter become due and are unpaid, together with costs
 878 and a service charge of up to \$25, from which the clerk shall
 879 remit \$17.50 to the Department of Revenue for deposit into the
 880 General Revenue Fund, for failure to pay the amount of the
 881 delinquency.

882 c. The obligor's right to contest the impending judgment
 883 and the ground upon which such contest can be made.

884 d. The local depository's authority to release information
 885 regarding the delinquency to one or more credit reporting
 886 agencies.

887 2. The local depository shall serve the notice by mailing
 888 it by first class mail to the obligor at his or her last address
 889 of record with the local depository. If the obligor has no
 890 address of record with the local depository, service shall be by
 891 publication as provided in chapter 49.

892 3. When service of the notice is made by mail, service is
 893 complete on the date of mailing.

894 (d) The court shall hear the obligor's motion to contest
 895 the impending judgment within 15 days after the date of filing
 896 of the motion. Upon the court's denial of the obligor's motion,
 897 the amount of the delinquency and all other amounts that become
 898 due, together with costs and a service charge of up to \$25, from
 899 which the clerk shall remit \$17.50 to the Department of Revenue
 900 for deposit into the General Revenue Fund, become a final

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901 judgment by operation of law against the obligor. The depository
 902 shall charge interest at the rate established in s. 55.03 on all
 903 judgments for support. Payments on judgments shall be applied
 904 first to the current child support due, then to any delinquent
 905 principal, and then to interest on the support judgment.

906 (e) If the obligor fails to file a motion to contest the
 907 impending judgment within the time limit prescribed in paragraph
 908 (c) and fails to pay the amount of the delinquency and all other
 909 amounts which thereafter become due, together with costs and a
 910 service charge of up to \$25, from which the clerk shall remit
 911 \$17.50 to the Department of Revenue for deposit into the General
 912 Revenue Fund, such amounts become a final judgment by operation
 913 of law against the obligor at the expiration of the time for
 914 filing a motion to contest the impending judgment.

915 (f)1. Upon request of any person, the local depository
 916 shall issue, upon payment of a service charge of up to \$25, from
 917 which the clerk shall remit \$17.50 to the Department of Revenue
 918 for deposit into the General Revenue Fund, a payoff statement of
 919 the total amount due under the judgment at the time of the
 920 request. The statement may be relied upon by the person for up
 921 to 30 days from the time it is issued unless proof of
 922 satisfaction of the judgment is provided.

923 2. When the depository records show that the obligor's
 924 account is current, the depository shall record a satisfaction
 925 of the judgment upon request of any interested person and upon

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926 receipt of the appropriate recording fee. Any person shall be
 927 entitled to rely upon the recording of the satisfaction.

928 3. The local depository, at the direction of the
 929 department, or the obligee in a non-IV-D case, may partially
 930 release the judgment as to specific real property, and the
 931 depository shall record a partial release upon receipt of the
 932 appropriate recording fee.

933 4. The local depository is not liable for errors in its
 934 recordkeeping, except when an error is a result of unlawful
 935 activity or gross negligence by the clerk or his or her
 936 employees.

937 Section 15. Effective upon this act becoming a law and
 938 retroactive to July 1, 2008, subsections (2) and (4) of section
 939 316.193, Florida Statutes, are amended to read:

940 316.193 Driving under the influence; penalties.—

941 (2) (a) Except as provided in paragraph (b), subsection
 942 (3), or subsection (4), any person who is convicted of a
 943 violation of subsection (1) shall be punished:

944 1. By a fine of:

945 a. Not less than \$500 or more than \$1,000 for a first
 946 conviction.

947 b. Not less than \$1,000 or more than \$2,000 for a second
 948 conviction; and

949 2. By imprisonment for:

950 a. Not more than 6 months for a first conviction.

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951 b. Not more than 9 months for a second conviction.
952 3. For a second conviction, by mandatory placement for a
953 period of at least 1 year, at the convicted person's sole
954 expense, of an ignition interlock device approved by the
955 department in accordance with s. 316.1938 upon all vehicles that
956 are individually or jointly leased or owned and routinely
957 operated by the convicted person, when the convicted person
958 qualifies for a permanent or restricted license. The
959 installation of such device may not occur before July 1, 2003.

960
961 The portion of a fine imposed in excess of \$500 pursuant to sub-
962 subparagraph 1.a. and the portion of a fine imposed in excess of
963 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by
964 the clerk to the Department of Revenue for deposit into the
965 General Revenue Fund.

966 (b)1. Any person who is convicted of a third violation of
967 this section for an offense that occurs within 10 years after a
968 prior conviction for a violation of this section commits a
969 felony of the third degree, punishable as provided in s.
970 775.082, s. 775.083, or s. 775.084. In addition, the court shall
971 order the mandatory placement for a period of not less than 2
972 years, at the convicted person's sole expense, of an ignition
973 interlock device approved by the department in accordance with
974 s. 316.1938 upon all vehicles that are individually or jointly
975 leased or owned and routinely operated by the convicted person,

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976 | when the convicted person qualifies for a permanent or
977 | restricted license. The installation of such device may not
978 | occur before July 1, 2003.

979 | 2. Any person who is convicted of a third violation of
980 | this section for an offense that occurs more than 10 years after
981 | the date of a prior conviction for a violation of this section
982 | shall be punished by a fine of not less than \$2,000 or more than
983 | \$5,000 and by imprisonment for not more than 12 months. The
984 | portion of a fine imposed in excess of \$2,500 pursuant to this
985 | subparagraph shall be remitted by the clerk to the Department of
986 | Revenue for deposit into the General Revenue Fund. In addition,
987 | the court shall order the mandatory placement for a period of at
988 | least 2 years, at the convicted person's sole expense, of an
989 | ignition interlock device approved by the department in
990 | accordance with s. 316.1938 upon all vehicles that are
991 | individually or jointly leased or owned and routinely operated
992 | by the convicted person, when the convicted person qualifies for
993 | a permanent or restricted license. The installation of such
994 | device may not occur before July 1, 2003.

995 | 3. Any person who is convicted of a fourth or subsequent
996 | violation of this section, regardless of when any prior
997 | conviction for a violation of this section occurred, commits a
998 | felony of the third degree, punishable as provided in s.
999 | 775.082, s. 775.083, or s. 775.084. However, the fine imposed
1000 | for such fourth or subsequent violation may be not less than

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1001 \$2,000. The portion of a fine imposed in excess of \$1,000
 1002 pursuant to this subparagraph shall be remitted by the clerk to
 1003 the Department of Revenue for deposit into the General Revenue
 1004 Fund.

1005 (c) In addition to the penalties in paragraph (a), the
 1006 court may order placement, at the convicted person's sole
 1007 expense, of an ignition interlock device approved by the
 1008 department in accordance with s. 316.1938 for at least 6
 1009 continuous months upon all vehicles that are individually or
 1010 jointly leased or owned and routinely operated by the convicted
 1011 person if, at the time of the offense, the person had a blood-
 1012 alcohol level or breath-alcohol level of .08 or higher.

1013 (4) Any person who is convicted of a violation of
 1014 subsection (1) and who has a blood-alcohol level or breath-
 1015 alcohol level of 0.15 or higher, or any person who is convicted
 1016 of a violation of subsection (1) and who at the time of the
 1017 offense was accompanied in the vehicle by a person under the age
 1018 of 18 years, shall be punished:

1019 (a) By a fine of:

1020 1. Not less than \$1,000 or more than \$2,000 for a first
 1021 conviction.

1022 2. Not less than \$2,000 or more than \$4,000 for a second
 1023 conviction.

1024 3. Not less than \$4,000 for a third or subsequent
 1025 conviction.

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- 1026 (b) By imprisonment for:
 1027 1. Not more than 9 months for a first conviction.
 1028 2. Not more than 12 months for a second conviction.

1029
 1030 For the purposes of this subsection, only the instant offense is
 1031 required to be a violation of subsection (1) by a person who has
 1032 a blood-alcohol level or breath-alcohol level of 0.15 or higher.

1033
 1034 The portion of a fine imposed in excess of \$1,000 pursuant to
 1035 sub-subparagraph (a)1. and the portion of a fine imposed in
 1036 excess of \$2,000 pursuant to sub-subparagraph (a)2. or (a)3,
 1037 shall be remitted by the clerk to the Department of Revenue for
 1038 deposit into the General Revenue Fund.

1039 (c) In addition to the penalties in paragraphs (a) and
 1040 (b), the court shall order the mandatory placement, at the
 1041 convicted person's sole expense, of an ignition interlock device
 1042 approved by the department in accordance with s. 316.1938 upon
 1043 all vehicles that are individually or jointly leased or owned
 1044 and routinely operated by the convicted person for not less than
 1045 6 continuous months for the first offense and for not less than
 1046 2 continuous years for a second offense, when the convicted
 1047 person qualifies for a permanent or restricted license.

1048 Section 16. Effective upon this act becoming a law and
 1049 retroactive to July 1, 2008, paragraph (b) of subsection (10) of
 1050 section 318.14, Florida Statutes, is amended to read:

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1051 318.14 Noncriminal traffic infractions; exception;
 1052 procedures.—
 1053 (10)
 1054 (b) Any person cited for an offense listed in this
 1055 subsection shall present proof of compliance before the
 1056 scheduled court appearance date. For the purposes of this
 1057 subsection, proof of compliance shall consist of a valid,
 1058 renewed, or reinstated driver license or registration
 1059 certificate and proper proof of maintenance of security as
 1060 required by s. 316.646. Notwithstanding waiver of fine, any
 1061 person establishing proof of compliance shall be assessed court
 1062 costs of \$25, except that a person charged with violation of s.
 1063 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
 1064 such costs shall be remitted to the Department of Revenue for
 1065 deposit into the Child Welfare Training Trust Fund of the
 1066 Department of Children and Families. One dollar of such costs
 1067 shall be distributed to the Department of Juvenile Justice for
 1068 deposit into the Juvenile Justice Training Trust Fund. Fourteen
 1069 dollars of such costs shall be distributed to the municipality,
 1070 \$1 shall be remitted to the Department of Revenue for deposit
 1071 into the General Revenue Fund and \$ 8 ~~9~~ shall be deposited by
 1072 the clerk of the court into the fine and forfeiture fund
 1073 established pursuant to s. 142.01, if the offense was committed
 1074 within the municipality. If the offense was committed in an
 1075 unincorporated area of a county or if the citation was for a

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1076 violation of s. 316.646(1)-(3), the entire amount shall be
 1077 deposited by the clerk of the court into the fine and forfeiture
 1078 fund established pursuant to s. 142.01, except for the moneys to
 1079 be deposited into the Child Welfare Training Trust Fund and the
 1080 Juvenile Justice Training Trust Fund and \$3 which the clerk
 1081 shall remit to the Department of Revenue for deposit into the
 1082 General Revenue Fund. This subsection does not authorize the
 1083 operation of a vehicle without a valid driver license, without a
 1084 valid vehicle tag and registration, or without the maintenance
 1085 of required security.

1086 Section 17. Effective upon this act becoming a law and
 1087 retroactive to July 1, 2008, paragraph (b) of subsection (1) of
 1088 section 318.15, Florida Statutes, is amended to read:

1089 318.15 Failure to comply with civil penalty or to appear;
 1090 penalty.-

1091 (1)

1092 (b) However, a person who elects to attend driver
 1093 improvement school and has paid the civil penalty as provided in
 1094 s. 318.14(9) but who subsequently fails to attend the driver
 1095 improvement school within the time specified by the court is
 1096 deemed to have admitted the infraction and shall be adjudicated
 1097 guilty. If the person received a 9-percent reduction pursuant to
 1098 s. 318.14(9), the person must pay the clerk of the court that
 1099 amount and a processing fee of up to \$18, from which the clerk
 1100 shall remit \$3 to the Department of Revenue for deposit into the

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1101 General Revenue Fund, after which additional penalties, court
 1102 costs, or surcharges may not be imposed for the violation. In
 1103 all other such cases, the person must pay the clerk a processing
 1104 fee of up to \$18, from which the clerk shall remit \$3 to the
 1105 Department of Revenue for deposit into the General Revenue Fund,
 1106 after which additional penalties, court costs, or surcharges may
 1107 not be imposed for the violation. The clerk of the court shall
 1108 notify the department of the person's failure to attend driver
 1109 improvement school and points shall be assessed pursuant to s.
 1110 322.27.

1111 Section 18. Effective upon this act becoming a law and
 1112 retroactive to July 1, 2008, paragraphs (b) and (c) of
 1113 subsection (2), paragraph (a) of subsection (11), and subsection
 1114 (18) of section 318.18, Florida Statutes, are amended to read:

1115 318.18 Amount of penalties.—The penalties required for a
 1116 noncriminal disposition pursuant to s. 318.14 or a criminal
 1117 offense listed in s. 318.17 are as follows:

1118 (2) Thirty dollars for all nonmoving traffic violations
 1119 and:

1120 (b) For all violations of ss. 320.0605, 320.07(1),
 1121 322.065, and 322.15(1). Any person who is cited for a violation
 1122 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
 1123 320.07(4).

1124 1. If a person who is cited for a violation of s. 320.0605
 1125 or s. 320.07 can show proof of having a valid registration at

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1126 | the time of arrest, the clerk of the court may dismiss the case
 1127 | and may assess a dismissal fee of up to \$10, from which the
 1128 | clerk shall remit \$2.50 to the Department of Revenue for deposit
 1129 | into the General Revenue Fund. A person who finds it impossible
 1130 | or impractical to obtain a valid registration certificate must
 1131 | submit an affidavit detailing the reasons for the impossibility
 1132 | or impracticality. The reasons may include, but are not limited
 1133 | to, the fact that the vehicle was sold, stolen, or destroyed;
 1134 | that the state in which the vehicle is registered does not issue
 1135 | a certificate of registration; or that the vehicle is owned by
 1136 | another person.

1137 | 2. If a person who is cited for a violation of s. 322.03,
 1138 | s. 322.065, or s. 322.15 can show a driver license issued to him
 1139 | or her and valid at the time of arrest, the clerk of the court
 1140 | may dismiss the case and may assess a dismissal fee of up to
 1141 | \$10, from which the clerk shall remit \$2.50 to the Department of
 1142 | Revenue for deposit into the General Revenue Fund.

1143 | 3. If a person who is cited for a violation of s. 316.646
 1144 | can show proof of security as required by s. 627.733, issued to
 1145 | the person and valid at the time of arrest, the clerk of the
 1146 | court may dismiss the case and may assess a dismissal fee of up
 1147 | to \$10, from which the clerk shall remit \$2.50 to the Department
 1148 | of Revenue for deposit into the General Revenue Fund. A person
 1149 | who finds it impossible or impractical to obtain proof of
 1150 | security must submit an affidavit detailing the reasons for the

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1151 impracticality. The reasons may include, but are not limited to,
 1152 the fact that the vehicle has since been sold, stolen, or
 1153 destroyed; that the owner or registrant of the vehicle is not
 1154 required by s. 627.733 to maintain personal injury protection
 1155 insurance; or that the vehicle is owned by another person.

1156 (c) For all violations of ss. 316.2935 and 316.610.
 1157 However, for a violation of s. 316.2935 or s. 316.610, if the
 1158 person committing the violation corrects the defect and obtains
 1159 proof of such timely repair by an affidavit of compliance
 1160 executed by the law enforcement agency within 30 days from the
 1161 date upon which the traffic citation was issued, and pays \$4 to
 1162 the law enforcement agency, thereby completing the affidavit of
 1163 compliance, then upon presentation of said affidavit by the
 1164 defendant to the clerk within the 30-day time period set forth
 1165 under s. 318.14(4), the fine must be reduced to \$10, which the
 1166 clerk of the court shall retain and from which the clerk shall
 1167 remit \$2.50 to the Department of Revenue for deposit into the
 1168 General Revenue Fund.

1169 (11) (a) In addition to the stated fine, court costs must
 1170 be paid in the following amounts and shall be deposited by the
 1171 clerk into the fine and forfeiture fund established pursuant to
 1172 s. 142.01 except as provided in this paragraph:

1173 For pedestrian infractions \$4, from which the clerk shall
 1174 remit \$1 to the Department of Revenue for deposit into the
 1175 General Revenue Fund.

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1176 For nonmoving traffic infractions \$18, from which the
 1177 clerk shall remit \$2 to the Department of Revenue for deposit
 1178 into the General Revenue Fund.

1179 For moving traffic infractions \$35, from which the clerk
 1180 shall remit \$5 to the Department of Revenue for deposit into the
 1181 General Revenue Fund.

1182 (18) In addition to any penalties imposed, an
 1183 administrative fee of \$12.50 must be paid for all noncriminal
 1184 moving and nonmoving violations under chapters 316, 320, and
 1185 322. The clerk shall remit the administrative fee to the
 1186 Department of Revenue for deposit into the General Revenue Fund.
 1187 ~~Revenue from the administrative fee shall be deposited by the~~
 1188 ~~clerk of court into the fine and forfeiture fund established~~
 1189 ~~pursuant to s. 142.01.~~

1190 Section 19. Effective upon this act becoming a law and
 1191 retroactive to July 1, 2008, subsections (1) and (2) of section
 1192 322.245, Florida Statutes, are amended to read:

1193 322.245 Suspension of license upon failure of person
 1194 charged with specified offense under chapter 316, chapter 320,
 1195 or this chapter to comply with directives ordered by traffic
 1196 court or upon failure to pay child support in non-IV-D cases as
 1197 provided in chapter 61 or failure to pay any financial
 1198 obligation in any other criminal case.—

1199 (1) If a person charged with a violation of any of the
 1200 criminal offenses enumerated in s. 318.17 or with the commission

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1201 of any offense constituting a misdemeanor under chapter 320 or
1202 this chapter fails to comply with all of the directives of the
1203 court within the time allotted by the court, the clerk of the
1204 traffic court shall mail to the person, at the address specified
1205 on the uniform traffic citation, a notice of such failure,
1206 notifying him or her that, if he or she does not comply with the
1207 directives of the court within 30 days after the date of the
1208 notice and pay a delinquency fee of up to \$25 to the clerk, from
1209 which the clerk shall remit \$10 to the Department of Revenue for
1210 deposit into the General Revenue Fund, his or her driver license
1211 will be suspended. The notice shall be mailed no later than 5
1212 days after such failure. The delinquency fee may be retained by
1213 the office of the clerk to defray the operating costs of the
1214 office.

1215 (2) In non-IV-D cases, if a person fails to pay child
1216 support under chapter 61 and the obligee so requests, the
1217 depository or the clerk of the court shall mail in accordance
1218 with s. 61.13016 the notice specified in that section, notifying
1219 him or her that if he or she does not comply with the
1220 requirements of that section and pay a delinquency fee of \$25 to
1221 the depository or the clerk, his or her driver license and motor
1222 vehicle registration will be suspended. The delinquency fee may
1223 be retained by the depository or the office of the clerk to
1224 defray the operating costs of the office after the clerk remits
1225 \$15 to the Department of Revenue for deposit into the General

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1226 Revenue Fund.

1227 Section 20. Effective upon this act becoming a law and
 1228 retroactive to July 1, 2008, subsections (2) and (4) of section
 1229 327.35, Florida Statutes, are amended to read:

1230 327.35 Boating under the influence; penalties; "designated
 1231 drivers."—

1232 (2)(a) Except as provided in paragraph (b), subsection
 1233 (3), or subsection (4), any person who is convicted of a
 1234 violation of subsection (1) shall be punished:

1235 1. By a fine of:

1236 a. Not less than \$500 or more than \$1,000 for a first
 1237 conviction.

1238 b. Not less than \$1,000 or more than \$2,000 for a second
 1239 conviction; and

1240 2. By imprisonment for:

1241 a. Not more than 6 months for a first conviction.

1242 b. Not more than 9 months for a second conviction.

1243

1244 The portion of a fine imposed in excess of \$500 pursuant to sub-
 1245 subparagraph 1.a. and the portion of a fine imposed in excess of
 1246 \$1,000 pursuant to sub-subparagraph 1.b., shall be remitted by
 1247 the clerk to the Department of Revenue for deposit into the
 1248 General Revenue Fund.

1249 (b)1. Any person who is convicted of a third violation of
 1250 this section for an offense that occurs within 10 years after a

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1251 prior conviction for a violation of this section commits a
 1252 felony of the third degree, punishable as provided in s.
 1253 775.082, s. 775.083, or s. 775.084.

1254 2. Any person who is convicted of a third violation of
 1255 this section for an offense that occurs more than 10 years after
 1256 the date of a prior conviction for a violation of this section
 1257 shall be punished by a fine of not less than \$2,000 or more than
 1258 \$5,000 and by imprisonment for not more than 12 months. The
 1259 portion of a fine imposed in excess of \$2,500 pursuant to this
 1260 subparagraph shall be remitted by the clerk to the Department of
 1261 Revenue for deposit into the General Revenue Fund.

1262 3. Any person who is convicted of a fourth or subsequent
 1263 violation of this section, regardless of when any prior
 1264 conviction for a violation of this section occurred, commits a
 1265 felony of the third degree, punishable as provided in s.
 1266 775.082, s. 775.083, or s. 775.084.

1267
 1268 However, the fine imposed for such fourth or subsequent
 1269 violation may not be less than \$2,000. The portion of such fine
 1270 imposed in excess of \$1,000 shall be remitted by the clerk to
 1271 the Department of Revenue for deposit into the General Revenue
 1272 Fund.

1273 (4) Any person who is convicted of a violation of
 1274 subsection (1) and who has a blood-alcohol level or breath-
 1275 alcohol level of 0.15 or higher, or any person who is convicted

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1276 of a violation of subsection (1) and who at the time of the
 1277 offense was accompanied in the vessel by a person under the age
 1278 of 18 years, shall be punished:

1279 (a) By a fine of:

1280 1. Not less than \$1,000 or more than \$2,000 for a first
 1281 conviction.

1282 2. Not less than \$2,000 or more than \$4,000 for a second
 1283 conviction.

1284 3. Not less than \$4,000 for a third or subsequent
 1285 conviction.

1286 (b) By imprisonment for:

1287 1. Not more than 9 months for a first conviction.

1288 2. Not more than 12 months for a second conviction.

1289

1290 The portion of a fine imposed in excess of \$1,000 pursuant to
 1291 subparagraph (a)1. and the portion of a fine imposed in excess
 1292 of \$2,000 pursuant to subparagraph (a)2. or subparagraph (a)3.,
 1293 shall be remitted by the clerk to the Department of Revenue for
 1294 deposit into the General Revenue Fund. For the purposes of this
 1295 subsection, only the instant offense is required to be a
 1296 violation of subsection (1) by a person who has a blood-alcohol
 1297 level or breath-alcohol level of 0.15 or higher.

1298 Section 21. Effective upon this act becoming a law and
 1299 retroactive to July 1, 2008, subsection (4), paragraph (a) of
 1300 subsection (9), and paragraph (a) of subsection (11) of section

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1301 327.73, Florida Statutes, are amended to read:

1302 327.73 Noncriminal infractions.—

1303 (4) Any person charged with a noncriminal infraction under
1304 this section may:

1305 (a) Pay the civil penalty, either by mail or in person,
1306 within 30 days of the date of receiving the citation; or,

1307 (b) If he or she has posted bond, forfeit bond by not
1308 appearing at the designated time and location.

1309

1310 If the person cited follows either of the above procedures, he
1311 or she shall be deemed to have admitted the noncriminal
1312 infraction and to have waived the right to a hearing on the
1313 issue of commission of the infraction. Such admission shall not
1314 be used as evidence in any other proceedings. If a person who is
1315 cited for a violation of s. 327.395 can show a boating safety
1316 identification card issued to that person and valid at the time
1317 of the citation, the clerk of the court may dismiss the case and
1318 may assess a dismissal fee of up to \$10, from which the clerk
1319 shall remit \$2.50 to the Department of Revenue for deposit into
1320 the General Revenue Fund. If a person who is cited for a
1321 violation of s. 328.72(13) can show proof of having a
1322 registration for that vessel which was valid at the time of the
1323 citation, the clerk may dismiss the case and may assess the
1324 dismissal fee, from which the clerk shall remit \$2.50 to the
1325 Department of Revenue for deposit into the General Revenue Fund.

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1326 (9) (a) Any person who fails to comply with the court's
 1327 requirements or who fails to pay the civil penalties specified
 1328 in this section within the 30-day period provided for in s.
 1329 327.72 must pay an additional court cost of up to \$20, which
 1330 shall be used by the clerks of the courts to defray the costs of
 1331 tracking unpaid uniform boating citations, from which the clerk
 1332 shall remit \$2 to the Department of Revenue for deposit into the
 1333 General Revenue Fund.

1334 (11) (a) Court costs that are to be in addition to the
 1335 stated civil penalty shall be imposed by the court in an amount
 1336 not less than the following:

1337 1. For swimming or diving infractions, \$4, from which the
 1338 clerk shall remit \$1 to the Department of Revenue for deposit
 1339 into the General Revenue Fund.

1340 2. For nonmoving boating infractions, \$18, from which the
 1341 clerk shall remit \$12 to the Department of Revenue for deposit
 1342 into the General Revenue Fund.

1343 3. For boating infractions listed in s. 327.731(1), \$35,
 1344 from which the clerk shall remit \$25 to the Department of
 1345 Revenue for deposit into the General Revenue Fund.

1346
 1347 Court costs imposed under this subsection may not exceed \$45. A
 1348 criminal justice selection center or both local criminal justice
 1349 access and assessment centers may be funded from these court
 1350 costs.

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1351 Section 22. Effective upon this act becoming a law and
 1352 retroactive to July 1, 2008, paragraph (i) of subsection (1) of
 1353 section 379.401, Florida Statutes, is amended to read:

1354 379.401 Penalties and violations; civil penalties for
 1355 noncriminal infractions; criminal penalties; suspension and
 1356 forfeiture of licenses and permits.—

1357 (1) LEVEL ONE VIOLATIONS.—

1358 (i) A person cited for violating the requirements of s.
 1359 379.354 relating to personal possession of a license or permit
 1360 may not be convicted if, before or at the time of a county court
 1361 hearing, the person produces the required license or permit for
 1362 verification by the hearing officer or the court clerk. The
 1363 license or permit must have been valid at the time the person
 1364 was cited. The clerk or hearing officer may assess a \$10 fee for
 1365 costs under this paragraph, from which the clerk shall remit \$5
 1366 to the Department of Revenue for deposit into the General
 1367 Revenue Fund.

1368 Section 23. Notwithstanding subsection (13) of section
 1369 627.7152, as created by HB 7065, 2019 Regular Session,
 1370 subsection (10) of that section is effective upon becoming a
 1371 law.

1372 Section 24. Effective upon this act becoming a law and
 1373 retroactive to July 1, 2008, subsection (1) of section 713.24,
 1374 Florida Statutes, is amended to read:

1375 713.24 Transfer of liens to security.—

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1376 (1) Any lien claimed under this part may be transferred,
 1377 by any person having an interest in the real property upon which
 1378 the lien is imposed or the contract under which the lien is
 1379 claimed, from such real property to other security by either:
 1380 (a) Depositing in the clerk's office a sum of money, or
 1381 (b) Filing in the clerk's office a bond executed as surety
 1382 by a surety insurer licensed to do business in this state,
 1383
 1384 either to be in an amount equal to the amount demanded in such
 1385 claim of lien, plus interest thereon at the legal rate for 3
 1386 years, plus \$1,000 or 25 percent of the amount demanded in the
 1387 claim of lien, whichever is greater, to apply on any attorney's
 1388 fees and court costs that may be taxed in any proceeding to
 1389 enforce said lien. Such deposit or bond shall be conditioned to
 1390 pay any judgment or decree which may be rendered for the
 1391 satisfaction of the lien for which such claim of lien was
 1392 recorded. Upon making such deposit or filing such bond, the
 1393 clerk shall make and record a certificate showing the transfer
 1394 of the lien from the real property to the security and shall
 1395 mail a copy thereof by registered or certified mail to the
 1396 lienor named in the claim of lien so transferred, at the address
 1397 stated therein. Upon filing the certificate of transfer, the
 1398 real property shall thereupon be released from the lien claimed,
 1399 and such lien shall be transferred to said security. In the
 1400 absence of allegations of privity between the lienor and the

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1401 owner, and subject to any order of the court increasing the
 1402 amount required for the lien transfer deposit or bond, no other
 1403 judgment or decree to pay money may be entered by the court
 1404 against the owner. The clerk shall be entitled to a service
 1405 charge for making and serving the certificate, in the amount of
 1406 up to \$20, from which the clerk shall remit \$5 to the Department
 1407 of Revenue for deposit into the General Revenue Fund. If the
 1408 transaction involves the transfer of multiple liens, an
 1409 additional charge of up to \$10 for each additional lien shall be
 1410 charged, from which the clerk shall remit \$2.50 to the
 1411 Department of Revenue for deposit into the General Revenue Fund.
 1412 For recording the certificate and approving the bond, the clerk
 1413 shall receive her or his usual statutory service charges as
 1414 prescribed in s. 28.24. Any number of liens may be transferred
 1415 to one such security.

1416 Section 25. Effective upon this act becoming a law and
 1417 retroactive to July 1, 2008, subsection (3) of section 721.83,
 1418 Florida Statutes, is amended to read:

1419 721.83 Consolidation of judicial foreclosure actions.—

1420 (3) A consolidated timeshare foreclosure action shall be
 1421 considered a single action, suit, or proceeding for the payment
 1422 of filing fees and service charges pursuant to general law. In
 1423 addition to the payment of such filing fees and service charges,
 1424 an additional filing fee of up to \$10 from which the clerk shall
 1425 remit \$5 to the Department of Revenue for deposit into the

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1426 General Revenue Fund for each timeshare interest joined in that
 1427 action shall be paid to the clerk of court.

1428 Section 26. Effective upon this act becoming a law and
 1429 retroactive to July 1, 2008, paragraph (a) of subsection (6) of
 1430 section 744.365, Florida Statutes, is amended to read:

1431 744.365 Verified inventory.—

1432 (6) AUDIT FEE.—

1433 (a) Where the value of the ward's property exceeds
 1434 \$25,000, a guardian shall pay from the ward's property to the
 1435 clerk of the circuit court a fee of up to \$85 from which the
 1436 clerk shall remit \$10 to the Department of Revenue for deposit
 1437 into the General Revenue Fund, upon the filing of the verified
 1438 inventory, for the auditing of the inventory. Upon petition by
 1439 the guardian, the court may waive the auditing fee upon a
 1440 showing of insufficient funds in the ward's estate. Any guardian
 1441 unable to pay the auditing fee may petition the court for waiver
 1442 of the fee. The court may waive the fee after it has reviewed
 1443 the documentation filed by the guardian in support of the
 1444 waiver.

1445 Section 27. Effective upon this act becoming a law and
 1446 retroactive to July 1, 2008, subsection (4) of section 744.3678,
 1447 Florida Statutes, is amended to read:

1448 744.3678 Annual accounting.—

1449 (4) The guardian shall pay from the ward's estate to the
 1450 clerk of the circuit court a fee based upon the following

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1451 graduated fee schedule, upon the filing of the annual financial
 1452 return, for the auditing of the return:

1453 (a) For estates with a value of \$25,000 or less the clerk
 1454 of the court may charge a fee of up to \$20 from which the clerk
 1455 shall remit \$5 to the Department of Revenue for deposit into the
 1456 General Revenue Fund.

1457 (b) For estates with a value of more than \$25,000 up to
 1458 and including \$100,000 the clerk of the court may charge a fee
 1459 of up to \$85 from which the clerk shall remit \$10 to the
 1460 Department of Revenue for deposit into the General Revenue Fund.

1461 (c) For estates with a value of more than \$100,000 up to
 1462 and including \$500,000 the clerk of the court may charge a fee
 1463 of up to \$170 from which the clerk shall remit \$20 to the
 1464 Department of Revenue for deposit into the General Revenue Fund.

1465 (d) For estates with a value in excess of \$500,000 the
 1466 clerk of the court may charge a fee of up to \$250 from which the
 1467 clerk shall remit \$25 to the Department of Revenue for deposit
 1468 into the General Revenue Fund.

1469
 1470 Upon petition by the guardian, the court may waive the auditing
 1471 fee upon a showing of insufficient funds in the ward's estate.
 1472 Any guardian unable to pay the auditing fee may petition the
 1473 court for a waiver of the fee. The court may waive the fee after
 1474 it has reviewed the documentation filed by the guardian in
 1475 support of the waiver.

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1476 Section 28. Effective upon this act becoming a law and
 1477 retroactive to July 1, 2008, subsection (2) of section 766.104,
 1478 Florida Statutes, is amended to read:

1479 766.104 Medical negligence cases; reasonable investigation
 1480 required before filing.—

1481 (2) Upon petition to the clerk of the court where the suit
 1482 will be filed and payment to the clerk of a filing fee, not to
 1483 exceed \$42 from which the clerk shall remit \$4.50 to the
 1484 Department of Revenue for deposit into the General Revenue Fund,
 1485 an automatic 90-day extension of the statute of limitations
 1486 shall be granted to allow the reasonable investigation required
 1487 by subsection (1). This period shall be in addition to other
 1488 tolling periods. No court order is required for the extension to
 1489 be effective. The provisions of this subsection shall not be
 1490 deemed to revive a cause of action on which the statute of
 1491 limitations has run.

1492 Section 29. Effective upon this act becoming a law and
 1493 retroactive to July 1, 2008, subsection (1) of section 938.05,
 1494 Florida Statutes, is amended to read:

1495 938.05 Additional court costs for felonies, misdemeanors,
 1496 and criminal traffic offenses.—

1497 (1) Any person pleading nolo contendere to a misdemeanor
 1498 or criminal traffic offense under s. 318.14(10)(a) or pleading
 1499 guilty or nolo contendere to, or being found guilty of, any
 1500 felony, misdemeanor, or criminal traffic offense under the laws

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1501 of this state or the violation of any municipal or county
 1502 ordinance which adopts by reference any misdemeanor under state
 1503 law, shall pay as a cost in the case, in addition to any other
 1504 cost required to be imposed by law, a sum in accordance with the
 1505 following schedule:

1506 (a) Felonies \$225 from which the clerk shall remit \$25 to
 1507 the Department of Revenue for deposit into the General Revenue
 1508 Fund

1509 (b) Misdemeanors \$60 from which the clerk shall remit \$10
 1510 to the Department of Revenue for deposit into the General
 1511 Revenue Fund

1512 (c) Criminal traffic offenses \$60 from which the clerk
 1513 shall remit \$10 to the Department of Revenue for deposit into
 1514 the General Revenue Fund

1515 Section 30. The amendments made by this act to ss. 27.52,
 1516 28.24, 28.2401, 28.241, 34.041, 45.035, 55.505, 61.14, 316.193,
 1517 318.14, 318.15, 318.18, 322.245, 327.35, 327.73, 379.401,
 1518 713.24, 721.83, 744.365, 744.3678, 766.104, and 938.05, Florida
 1519 Statutes, are remedial and clarifying in nature and apply
 1520 retroactively to July 1, 2008.

1521 Section 31. The amendments to the jurisdiction of a court
 1522 made by this act shall apply with respect to the date of filing
 1523 the cause of action, regardless of when the cause of action
 1524 accrued.

1525 Section 32. Before the 2022 Regular Session of the

ENROLLED

CS/CS/HB 337, Engrossed 1

2019 Legislature

1526 | Legislature, the Legislature shall review and consider the
1527 | results of the analysis submitted pursuant to Specific
1528 | Appropriation 2754 of the 2019-2020 General Appropriations Act
1529 | regarding the review of the Clerk of Court Processes for the
1530 | purpose of considering the extension or reenactment of
1531 | provisions in this act relating to clerk funding.

1532 | Section 33. Except as otherwise provided, and except for
1533 | this section, which shall take effect upon becoming a law, this
1534 | act shall take effect July 1, 2019.