

By Representative Simmons

1 A bill to be entitled
2 An act relating to trial courts; amending s.
3 26.012, F.S.; providing that circuit courts
4 shall not have appellate jurisdiction over
5 felony cases tried in county court; amending s.
6 34.01, F.S.; providing that county courts have
7 jurisdiction over certain felony traffic and
8 vessel cases and misdemeanor cases arising out
9 of the same circumstances as such felony cases;
10 amending s. 28.30, F.S.; directing the clerk of
11 the circuit court in each county to create an
12 operational and secure method for electronic
13 filing, retention, and retrieval of county
14 court and circuit court records; amending s.
15 35.065, F.S.; providing that district courts of
16 appeal have appellate jurisdiction over felony
17 cases tried in county court; providing an
18 effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (1) of section 26.012, Florida
23 Statutes, is amended to read:

24 26.012 Jurisdiction of circuit court.--

25 (1) Circuit courts shall have jurisdiction of appeals
26 from county courts except appeals of county court orders or
27 judgments declaring invalid a state statute or a provision of
28 the State Constitution and except orders or judgments of a
29 county court which are certified by the county court to the
30 district court of appeal to be of great public importance and
31 which are accepted by the district court of appeal for review

1 or appeals from a county court hearing a felony case. Circuit
2 courts shall have jurisdiction of appeals from final
3 administrative orders of local government code enforcement
4 boards.

5 Section 2. Subsection (1) of section 34.01, Florida
6 Statutes, is amended to read:

7 34.01 Jurisdiction of county court.--

8 (1) County courts shall have original jurisdiction:

9 (a) In all misdemeanor cases not cognizable by the
10 circuit courts;

11 (b) Of all violations of municipal and county
12 ordinances; ~~and~~

13 (c) Of all actions at law in which the matter in
14 controversy does not exceed the sum of \$15,000, exclusive of
15 interest, costs, and attorney's fees, except those within the
16 exclusive jurisdiction of the circuit courts. The party
17 instituting any civil action, suit, or proceeding pursuant to
18 this paragraph where the amount in controversy is in excess of
19 \$5,000 shall pay to the clerk of the county court the filing
20 fees and service charges in the same amounts and in the same
21 manner as provided in s. 28.241; ~~and-~~

22 (d) Of felony cases, and of all misdemeanors arising
23 out of the same circumstances as such felony cases, charged
24 under:

25 1. Section 316.193(2)(b).

26 2. Section 316.1935(2) and (3).

27 3. Section 322.212(1), (4), and (5)(a).

28 4. Section 322.34(2)(c).

29 5. Section 327.35(2)(b).

30 6. Section 817.52(1), (2), and (3).

31 7. Section 832.05(2)(b) and (4)(b).

1 8. Section 843.18.

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3 District courts of appeal have appellate jurisdiction over
4 felony cases tried in county court.

5 Section 3. Subsection (6) is added to section 28.30,
6 Florida Statutes, to read:

7 28.30 Records; destruction; reproduction; electronic
8 recordkeeping.--

9 (6) No later than January 1, 2003, the clerk of the
10 circuit court in each county shall create an operational and
11 secure method for electronic filing, retention, and retrieval
12 of county court and circuit court records. The method selected
13 by the clerk of the circuit court shall be approved by the
14 Information Technology Commission of the Florida Supreme Court
15 before it is implemented.

16 Section 4. Section 35.065, Florida Statutes, is
17 amended to read:

18 35.065 Review of judgment or order certified by county
19 court to be of great public importance; felony cases.--

20 (1) A district court of appeal may review any order or
21 judgment of a county court which is certified by the county
22 court to be of great public importance.

23 (2) District courts of appeal have appellate
24 jurisdiction over felony cases tried in county court.

25 Section 5. This act shall take effect July 1, 2002.

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HOUSE SUMMARY

Provides that district courts of appeal have appellate jurisdiction over felony cases tried in county court. Provides that county courts have jurisdiction over described felony traffic and vessel cases and all misdemeanors arising out of the same circumstances as such felony cases. Directs the clerks of the circuit courts to create an operational and secure method for electronic filing, retention, and retrieval of county court and circuit court records.