

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 1384  
 INTRODUCER: Senator Brandes  
 SUBJECT: Jurisdiction of the County Court  
 DATE: February 12, 2018      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tulloch	Cibula	JU	<b>Pre-meeting</b>
2.	_____	_____	ACJ	_____
3.	_____	_____	AP	_____

**I. Summary:**

SB 1384 amends s. 34.01, F.S., which defines the county court’s jurisdiction over certain types of cases and subject matters. The Legislature has broad constitutional authority to uniformly define the jurisdiction of Florida’s 67 county courts. Most notably, the county court may decide cases in law (demanding money) or equity (demanding action, such as an eviction) falling within its jurisdictional amount of \$15,000 or below.

The bill increases the jurisdictional amount of the cases the county court may decide to \$100,000. The bill also requires that the jurisdictional amount be adjusted for inflation or deflation every 10 years after July 1, 2018, using the reports and data provided by the United States Department of Labor, Bureau of Labor Statistics or its predecessor.

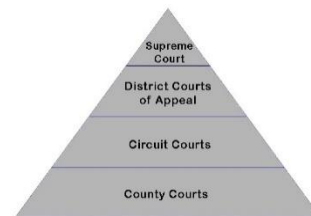
Because the circuit courts have exclusive jurisdiction over “all actions at law not cognizable by the county courts,” the bill also effectively raises the jurisdictional amount of the circuit courts to cases demanding money judgments over \$100,000.

**II. Present Situation:**

**Florida’s Court System**

The Florida Constitution vests all judicial power in:

- The supreme court;
- The district courts of appeal;
- The circuit courts; and
- The county courts.<sup>1</sup>



<sup>1</sup> Art. V, s. 1, FLA. CONST.

The Constitution provides that “[n]o other courts may be established by the state, any political subdivision or any municipality.”<sup>2</sup> Additionally, the Constitution vests the Florida Supreme Court with broad authority to administer the State court system and establish court rules of procedure.<sup>3</sup>

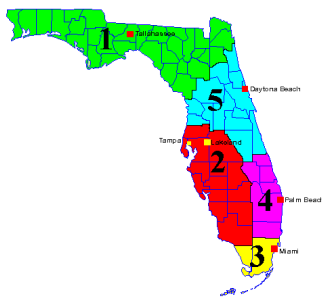
**Legislative Powers Concerning Court Jurisdiction**

The constitution confers some authority over the jurisdiction of the courts to the Legislature. Although the territorial and subject matter jurisdiction of the Florida Supreme Court is primarily defined by the Constitution, the Legislature has constitutional authority to provide for the territorial jurisdiction and the subject matter jurisdiction of the courts.<sup>4</sup>

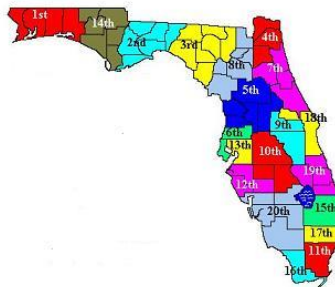
***Territorial Jurisdiction***

The Legislature is constitutionally required to establish the territorial or geographic jurisdiction of the appellate court districts and the judicial circuits “following county lines.”<sup>5</sup> Currently, there are five district courts of appeal,<sup>6</sup> 20 judicial circuits, and 67 county courts, one in each of Florida’s 67 counties<sup>7</sup> as constitutionally required.<sup>8</sup>

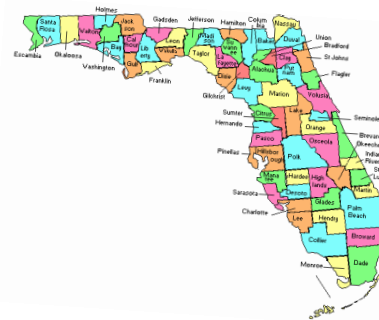
The following maps illustrate the territorial jurisdictions of these courts:<sup>9</sup>



Five District Courts of Appeal



Twenty Judicial Circuits



Sixty-Seven Counties

<sup>2</sup> *Id.* (although the Constitution permits the Legislature to establish quasi-judicial, administrative courts and a civil traffic infraction hearing officer system).

<sup>3</sup> FLA. CONST. art. V, s. 2.

<sup>4</sup> “Jurisdiction” is defined as “[a] government’s general power to exercise authority over all persons and things within its territory; esp., a state’s power to create interests that will be recognized under common-law principles as valid in other states <New Jersey’s jurisdiction>.” BLACK’S LAW DICTIONARY (10th ed. 2014). For courts, jurisdiction is defined as “[a] court’s power to decide a case or issue a decree <the constitutional grant of federal-question jurisdiction>.” *Id.* Additionally, jurisdiction is defined geographically: “A geographic area within which political or judicial authority may be exercised <the accused fled to another jurisdiction>.” *Id.*

<sup>5</sup> FLA. CONST. art. V, s. 1.

<sup>6</sup> Florida Courts, *Court System Organization & Structure*, <http://www.flcourts.org/florida-courts/> (last visited Feb. 7, 2018). The First District sits in Tallahassee; the Second District sits in Lakeland; the Third District sits in Miami; the Fourth District sits in West Palm Beach; and the Fifth District sits in Daytona Beach. *Id.*

<sup>7</sup> Florida Courts, *Court System Organization & Structure*, <http://www.flcourts.org/florida-courts/> (last visited Feb. 7, 2018).

<sup>8</sup> FLA. CONST. art. V, s. 6(a). (“There shall be a county court in each county.”).

<sup>9</sup> Rick Scott, 45<sup>th</sup> Governor of Florida, Judicial and Judicial Nominating Commission Information, *The Florida Court System*, <https://www.flgov.com/judicial-and-judicial-nominating-commission-information/> (last visited Feb. 7, 2018).

### ***Subject Matter Jurisdiction***

The Legislature's authority over the subject matter jurisdiction of the Florida Supreme Court and district courts of appeal is fairly limited. With a few exceptions,<sup>10</sup> the Constitution sets out the subject matter jurisdiction of the Supreme Court and the appellate courts.

On the other hand, under the Constitution, the Legislature is granted broad authority to define the jurisdiction<sup>11</sup> of the county courts: "The county courts shall exercise the jurisdiction *prescribed by general law*. Such jurisdiction shall be uniform throughout the state."<sup>12</sup>

Because the jurisdiction of the circuit court is limited by the jurisdiction of the county courts under the Constitution, the Legislature's authority to define the jurisdiction of the circuit courts is also fairly broad:

The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals *when provided by general law*. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit court shall be uniform throughout the state. They shall have the power of direct review of administrative action *prescribed by general law*.<sup>13</sup>

### **County Court Jurisdiction**

As provided by the Legislature in s. 34.01, F.S., the county court is a trial court that has jurisdiction over the following subject matters within its jurisdictional (monetary) amount of \$15,000:

- All criminal misdemeanor cases not cognizable by the circuit courts;
- All violations of municipal and county ordinances;
- All actions at law involving damages up to \$15,000, not including interest, costs, and attorney's fees, unless the cause of action is within the exclusive jurisdiction of the circuit courts;
- Concurrent jurisdiction with the circuit courts over disputes between homeowners' associations and parcel owners;
- Concurrent jurisdiction with circuit courts to hear uncontested dissolution of marriage petitions under the simplified dissolution procedures;

<sup>10</sup> See Art. V, s. 3(b)(2), FLA. CONST. ("When provided by *general law*, [the supreme court] shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service.") (emphasis added); FLA. CONST. art. V, s. 4(b)(2). ("District courts of appeal shall have the power of direct review of administrative action, *as prescribed by general law*.") (emphasis added).

<sup>11</sup> See *Alexdex Corp. v. Nachon Enterprises, Inc.*, 641 So. 2d 858, 861 (Fla. 1994) ("The jurisdiction of the courts of the state is broadly defined by our State Constitution; however, the legislature may further define a court's jurisdiction so long as the jurisdiction, as redefined, is not in conflict with the Constitution. . . . Absent a constitutional prohibition or restriction, the legislature is free to vest courts with exclusive, concurrent, original, appellate, or final jurisdiction.") (citing *State v. Sullivan*, 95 Fla. 191, 116 So. 255 (1928)).

<sup>12</sup> FLA. CONST. art. V, s. 6(b). (emphasis added). Additionally, the Legislature establishes the number of judges to serve in each county. *Id.* at s. 6(a).

<sup>13</sup> FLA. CONST. art. V, s. 5(b). (emphasis added).

- Any subject matter jurisdiction previously exercised by the county courts prior to the adoption of the 1968 Constitution, including that of the small claims courts; and
- Any matter in equity (such as an eviction)<sup>14</sup> that is within the jurisdictional amount of the county court, \$15,000.

The effective date of the last increase to the monetary limit on the jurisdiction of the county courts was July 1, 1992.<sup>15</sup> If adjusted for inflation to December 2017, the \$15,000 jurisdictional limit would be \$26,319.29 as of December 2017.<sup>16</sup>

The county court is also the small claims court. Small claims courts are not separate, constitutionally recognized courts;<sup>17</sup> rather, they are the county courts functioning under the Florida Small Claims Rules of procedure adopted by Supreme Court.<sup>18</sup> The goal of the Small Claims Rules is to “reach a ‘simple, speedy, and inexpensive’ resolution of [small claims] cases” in which the parties often represent themselves.<sup>19</sup> The court rules apply to civil actions in county courts where money is demanded,<sup>20</sup> and set the jurisdictional limit of small claims demands at \$5,000<sup>21</sup> where it has remained since January 1, 1997.<sup>22</sup> If adjusted for inflation to December 2017, the jurisdictional limit of the Small Claims Rules would be \$7,747.15.<sup>23</sup>

### **Circuit Court Jurisdiction**

Because the circuit courts have exclusive jurisdiction over “all actions at law not cognizable by the county courts,” the circuit court’s current jurisdictional amount is \$15,000 or above for cases demanding money judgments.<sup>24</sup> Additionally, with two exceptions, the circuit court has appellate jurisdiction over county court cases. Under the two exceptions, the district court of appeal has

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<sup>14</sup> Section 34.011, F.S. (providing that county and circuit courts generally have concurrent jurisdiction over landlord tenant cases, although county court will have exclusive jurisdiction over proceedings relating to the right of possession so long as matter is under \$15,000.).

<sup>15</sup> Chapter 90-269, Laws of Fla.

<sup>16</sup> The inflation adjusted figure was determined by the Bureau of Labor Statistics, United States Department of Labor, CPI Inflation Calculator, which is available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>17</sup> *LaSalla v. Pools by George of Pinellas County, Inc.*, 125 So. 3d 1016, 1016 (Fla. 2d DCA 2013)(“[F]or purposes of the concept of subject matter jurisdiction, a county court that applies the Florida Small Claims Rules in a particular proceeding is not a separate court from a county court that applies the Florida Rules of Civil Procedure. This is true even if a county court has elected to create a ‘small claims division’ to handle cases under the Florida Small Claims Rules. To the extent that *Tax Certificate Redemption’s, Inc. v. Meitz*, 705 So. 2d 64 (Fla. 4th DCA 1997), discusses the ‘jurisdiction’ of a small claims court as distinct from the jurisdiction of county court, we believe that discussion is incorrect.”).

<sup>18</sup> *Id.* at 1017 (The Small Claims Rules “do not create a ‘small claims court.’ They simply create rules of procedure for use in county court when the amount in controversy is small.”). When the amount in controversy exceeds the jurisdictional limits of the Small Claims Rules, the more complex requirements of the Rules of Civil Procedure apply. *See Hilton v. Florio*, 317 So. 2d 83 (Fla. 3d DCA 1975).

<sup>19</sup> *In re Amendments to Florida Small Claims Rule 7.090*, 64 So. 3d 1196 (Fla. 2011); Fla. Sm. Cl. R. 7.010(a).

<sup>20</sup> *In re Amendments to Florida Small Claims Rules*, 123 So. 3d 41, 43 (Fla. 2013) (amending Fla. Sm. Cl. R. 7.010).

<sup>21</sup> Fla. Sm. Cl. R. 7.010(b).

<sup>22</sup> *In re Amendments to the Florida Small Claims Rules*, 682 So. 2d 1075, 1076 (Fla. 1996) (raising amount from \$2,500 to \$5,000).

<sup>23</sup> The inflation adjusted figure was determined by the Bureau of Labor Statistics, United States Department of Labor, CPI Inflation Calculator, which is available at [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).

<sup>24</sup> Section 26.012(2)(a), F.S.

appellate jurisdiction over a county court case when a county court either declares a statute or constitutional provision invalid or certifies a question of great public importance.<sup>25</sup>

Notably, although circuit courts have exclusive jurisdiction over cases involving title and boundaries of real property, because foreclosures are equity cases, they are not one of the subject areas statutorily defined as being within the exclusive jurisdiction of the circuit court.<sup>26</sup> Rather, the Florida Supreme court in *Alexdex Corp. v. Nachon Enterprises, Inc.* concluded in resolving a conflict between the statutes setting forth the county court’s and the circuit court’s equity jurisdiction in foreclosure cases, “the legislature intended to provide concurrent equity jurisdiction in circuit and county courts, except that equity cases filed in county courts must fall within the county court’s monetary jurisdiction, as set by statute.”<sup>27</sup>

**Filing Fees**

Filing fees vary depending on the court. In **county court**, the filing fee for civil actions at law demanding money judgments vary based on the amount:

1. For all claims less than \$100..... \$50.
2. For all claims of \$100 or more but not more than \$500..... \$75.
3. For all claims of more than \$500 but not more than \$2,500.....\$170.
4. For all claims of more than \$2,500..... \$295.<sup>28</sup>

The clerk of court also collects an additional \$4 filing fee.<sup>29</sup>

When the clerk of court collects the \$295 filing fee, the fee is allocated as follows:

- The first \$15 of the filing fee is deposited in the State Courts Revenue Trust Fund.
- \$3.50 is transferred to the Department of Revenue (DOR) for deposit in the Court Education Trust Fund.
- Another \$0.50 is transferred to the DOR for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation.<sup>30</sup>

Additionally, any portion of fees for court functions collected in excess of one-twelfth of the clerk’s total budget from the prior month is transferred to the DOR for deposit into the Clerks of the Court Trust Fund.<sup>31</sup>

In **circuit court**, the filing fee for civil actions at law demanding money judgments vary based on the type of action filed<sup>32</sup> and the number of defendants, but is generally \$395 for the first five

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<sup>25</sup> Section 26.012(1), F.S.

<sup>26</sup> Section 26.012(2), F.S.

<sup>27</sup> 641 So. 2d 858, 862 (Fla. 1994).

<sup>28</sup> Section 34.041(1)(a), F.S.

<sup>29</sup> Section 34.041(1)(b), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Section 28.421(a)1.a., F.S. The filing fee is only \$295 for civil suits filed under chapters 39 (dependency), 61 (family law), 741 (domestic violence), 742 (determination of parentage), 747 (conservatorship), 752 (grandparental visitation rights), or 753 (supervised visitation). Section 28.421(a)1.b., F.S. Additionally, there are graduated filing fees for real property and mortgage foreclosure cases which can reach as high as \$1,900 for claims valued at \$250,000 and higher. Section 28.421(a)2.

defendants.<sup>33</sup> Additionally, there are graduated filing fees for real property and mortgage foreclosure cases which can reach as high as \$1,900 for claims valued at \$250,000 and higher.<sup>34</sup> The filing fee collected by the clerk of court is allocated as follows:

- Of the first \$200 in filing fees, \$195 must be remitted to the DOR for deposit into the State Courts Revenue Trust Fund.
- \$4 must be remitted to the DOR for deposit into the Administrative Trust Fund within the Department of Financial Services and used to fund the contract with the Florida Clerks of Court Operations Corporation.
- \$1 must be remitted to the DOR for deposit into the Administrative Trust Fund within the Department of Financial Services to fund audits of individual clerks' court-related expenditures conducted by the Department of Financial Services.<sup>35</sup>

Additionally, like the county court, the circuit court must transfer any portion of fees for court functions collected in excess of one-twelfth of the clerk's total budget from the prior month to the DOR for deposit into the Clerks of the Court Trust Fund.<sup>36</sup>

The clerk of court also collects an additional \$4 fee. Of that \$4 fee, \$3.50 is transferred to the DOR for deposit into the Court Education Trust Fund, and the other \$0.50 is also transferred to the DOR for deposit into the Administrative Trust Fund within the Department of Financial Services to fund clerk education provided by the Florida Clerks of Court Operations Corporation.<sup>37</sup>

For **appeals** from the **county to the circuit court**, the clerk of the circuit court may collect up to \$280.<sup>38</sup>

For appeals to the **district court of appeal**, the circuit court charges a \$100 fee for filing a notice of appeal,<sup>39</sup> and the clerk of the district court of appeal collects a filing fee of \$300 for civil cases.<sup>40</sup> Of the district court filing fee, \$50 is deposited into the State Courts Revenue Trust Fund and the remainder is deposited into the State Treasury to be credited to the General Revenue Fund.<sup>41</sup>

### III. Effect of Proposed Changes:

The bill raises the jurisdictional amount of the county court from \$15,000 to \$100,000. The bill also requires that the jurisdictional amount be adjusted for inflation or deflation every 10 years after July 1, 2018, using the reports and data provided by the United States Department of Labor, Bureau of Labor Statistics or its predecessor.

<sup>33</sup> *Id.* It is \$2.50 per defendant in excess of five. *Id.*

<sup>34</sup> Section 28.421(a)2., F.S.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Section 28.421(a)1.c., F.S.

<sup>38</sup> Section 28.421(2), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 35.22(2)(a), F.S.

<sup>41</sup> Section 35.22(5), F.S. The clerk of the district court of appeal also collects \$295 for cross-appeals or additional parties, and this fee is remitted entirely to the DOR for deposit into the General Revenue fund. Section 35.255(2)(b).

Because the circuit courts have exclusive jurisdiction over “all actions at law not cognizable by the county courts,” the bill also effectively raises the jurisdictional amount of the circuit courts to cases demanding money judgments over \$100,000.

The bill provides an effective date of July 1, 2018.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the bill results in an increase in the jurisdictional limit of the Small Claims Rules, more cases will be expeditiously resolved in the county courts under the expedited procedures of those rules.

C. Government Sector Impact:

The State Courts System reports that while some increase in the jurisdictional amount of the county courts is warranted, the court system will need time to implement these changes as there will be a need to shift personnel and resources, and review other operational issues. The court system also anticipates a negative fiscal impact based on the current statutory filing fee structure *unless* the Legislature preserves the current filing fees and revenue distribution for cases affected by a change in the jurisdictional limit. In other words, the court system recommends that for cases filed in county court between the amounts of \$15,000 and \$100,000, the Legislature should still require that the circuit court filing fee amounts and appropriations apply.

The court system also notes that it is unclear whether the Legislature wants foreclosure cases worth up to \$100,000, to be heard by the county courts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 34.01, Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.