

Amendment No.

CHAMBER ACTION

Senate

House



1 Representative Leek offered the following:

2

3 **Amendment to Amendment (483720) (with title amendment)**

4 Remove lines 5-526 of the amendment and insert:

5 Section 1. Effective July 1, 2018, section 25.025, Florida
6 Statutes, is created to read:

7 25.025 Headquarters.-

8 (1) (a) A Supreme Court justice who permanently resides
9 outside Leon County shall, if he or she so requests, have a
10 district court of appeal courthouse, a county courthouse, or
11 other appropriate facility in his or her district of residence
12 designated as his or her official headquarters pursuant to s.
13 112.061. This official headquarters may serve only as the
14 justice's private chambers.

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15 (b) A justice for whom an official headquarters is
16 designated in his or her district of residence under this
17 subsection is eligible for subsistence at a rate to be
18 established by the Chief Justice for each day or partial day
19 that the justice is at the headquarters of the Supreme Court for
20 the conduct of the business of the court. In addition to the
21 subsistence allowance, a justice is eligible for reimbursement
22 for transportation expenses as provided in s. 112.061(7) for
23 travel between the justice's official headquarters and the
24 headquarters of the Supreme Court for the conduct of the
25 business of the court.

26 (c) Payment of subsistence and reimbursement for
27 transportation expenses relating to travel between a justice's
28 official headquarters and the headquarters of the Supreme Court
29 shall be made to the extent appropriated funds are available, as
30 determined by the Chief Justice.

31 (2) The Chief Justice shall coordinate with each affected
32 justice and other state and local officials as necessary to
33 implement paragraph (1) (a).

34 (3) (a) This section does not require a county to provide
35 space in a county courthouse for a justice. A county may enter
36 into an agreement with the Supreme Court governing the use of
37 space in a county courthouse.

38 (b) The Supreme Court may not use state funds to lease
39 space in a district court of appeal courthouse, county

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40 courthouse, or other facility to allow a justice to establish an
41 official headquarters pursuant to subsection (1).

42 Section 2. Effective July 1, 2019, subsection (2) of
43 section 28.241, Florida Statutes, is amended to read:

44 28.241 Filing fees for trial and appellate proceedings.—

45 (2) (a) Upon the institution of any appellate proceeding
46 from any lower court to the circuit court of any such county,
47 including appeals filed by a county or municipality as provided
48 in s. 34.041(5), or from the circuit court to an appellate court
49 of the state, the clerk shall charge and collect from the party
50 or parties instituting such appellate proceedings a filing fee
51 not to exceed \$280 for filing a notice of appeal from the county
52 court to the circuit court. ~~and,~~

53 (b) In addition to the filing fee required under s. 25.241
54 or s. 35.22, the clerk shall charge and collect \$100 for filing
55 a notice of appeal from the county court to the circuit court or
56 the district court of appeal where the claim was more than
57 \$15,000, or from the circuit court to the district court of
58 appeal or to the Supreme Court.

59 (c) If the party is determined to be indigent, the clerk
60 shall defer payment of the fee required by this subsection.

61 Section 3. Effective July 1, 2018, subsection (1) of
62 section 29.008, Florida Statutes, is amended to read:

63 29.008 County funding of court-related functions.—

64 (1) Counties are required by s. 14, Art. V of the State

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65 Constitution to fund the cost of communications services,
66 existing radio systems, existing multiagency criminal justice
67 information systems, and the cost of construction or lease,
68 maintenance, utilities, and security of facilities for the
69 circuit and county courts, public defenders' offices, state
70 attorneys' offices, guardian ad litem offices, and the offices
71 of the clerks of the circuit and county courts performing court-
72 related functions. For purposes of this section, the term
73 "circuit and county courts" includes the offices and staffing of
74 the guardian ad litem programs, and the term "public defenders'
75 offices" includes the offices of criminal conflict and civil
76 regional counsel. The county designated under s. 35.05(1) as the
77 headquarters for each appellate district shall fund these costs
78 for the appellate division of the public defender's office in
79 that county. For purposes of implementing these requirements,
80 the term:

81 (a) "Facility" means reasonable and necessary buildings
82 and office space and appurtenant equipment and furnishings,
83 structures, real estate, easements, and related interests in
84 real estate, including, but not limited to, those for the
85 purpose of housing legal materials for use by the general public
86 and personnel, equipment, or functions of the circuit or county
87 courts, public defenders' offices, state attorneys' offices, and
88 court-related functions of the office of the clerks of the
89 circuit and county courts and all storage. The term "facility"

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90 includes all wiring necessary for court reporting services. The
91 term also includes access to parking for such facilities in
92 connection with such court-related functions that may be
93 available free or from a private provider or a local government
94 for a fee. The office space provided by a county may not be less
95 than the standards for space allotment adopted by the Department
96 of Management Services, except this requirement applies only to
97 facilities that are leased, or on which construction commences,
98 after June 30, 2003. County funding must include physical
99 modifications and improvements to all facilities as are required
100 for compliance with the Americans with Disabilities Act. Upon
101 mutual agreement of a county and the affected entity in this
102 paragraph, the office space provided by the county may vary from
103 the standards for space allotment adopted by the Department of
104 Management Services.

105 1. As of July 1, 2005, equipment and furnishings shall be
106 limited to that appropriate and customary for courtrooms,
107 hearing rooms, jury facilities, and other public areas in
108 courthouses and any other facility occupied by the courts, state
109 attorneys, public defenders, guardians ad litem, and criminal
110 conflict and civil regional counsel. Court reporting equipment
111 in these areas or facilities is not a responsibility of the
112 county.

113 2. Equipment and furnishings under this paragraph in
114 existence and owned by counties on July 1, 2005, except for that

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115 in the possession of the clerks, for areas other than
116 courtrooms, hearing rooms, jury facilities, and other public
117 areas in courthouses and any other facility occupied by the
118 courts, state attorneys, and public defenders, shall be
119 transferred to the state at no charge. This provision does not
120 apply to any communications services as defined in paragraph
121 (f).

122 (b) "Construction or lease" includes, but is not limited
123 to, all reasonable and necessary costs of the acquisition or
124 lease of facilities for all judicial officers, staff, jurors,
125 volunteers of a tenant agency, and the public for the circuit
126 and county courts, the public defenders' offices, state
127 attorneys' offices, and for performing the court-related
128 functions of the offices of the clerks of the circuit and county
129 courts. This includes expenses related to financing such
130 facilities and the existing and future cost and bonded
131 indebtedness associated with placing the facilities in use.

132 (c) "Maintenance" includes, but is not limited to, all
133 reasonable and necessary costs of custodial and groundskeeping
134 services and renovation and reconstruction as needed to
135 accommodate functions for the circuit and county courts, the
136 public defenders' offices, and state attorneys' offices and for
137 performing the court-related functions of the offices of the
138 clerks of the circuit and county court and for maintaining the
139 facilities in a condition appropriate and safe for the use

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140 intended.

141 (d) "Utilities" means all electricity services for light,
142 heat, and power; natural or manufactured gas services for light,
143 heat, and power; water and wastewater services and systems,
144 stormwater or runoff services and systems, sewer services and
145 systems, all costs or fees associated with these services and
146 systems, and any costs or fees associated with the mitigation of
147 environmental impacts directly related to the facility.

148 (e) "Security" includes but is not limited to, all
149 reasonable and necessary costs of services of law enforcement
150 officers or licensed security guards and all electronic,
151 cellular, or digital monitoring and screening devices necessary
152 to ensure the safety and security of all persons visiting or
153 working in a facility; to provide for security of the facility,
154 including protection of property owned by the county or the
155 state; and for security of prisoners brought to any facility.
156 This includes bailiffs while providing courtroom and other
157 security for each judge and other quasi-judicial officers.

158 (f) "Communications services" are defined as any
159 reasonable and necessary transmission, emission, and reception
160 of signs, signals, writings, images, and sounds of intelligence
161 of any nature by wire, radio, optical, audio equipment, or other
162 electromagnetic systems and includes all facilities and
163 equipment owned, leased, or used by judges, clerks, public
164 defenders, state attorneys, guardians ad litem, criminal

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165 conflict and civil regional counsel, and all staff of the state
166 courts system, state attorneys' offices, public defenders'
167 offices, and clerks of the circuit and county courts performing
168 court-related functions. Such system or services shall include,
169 but not be limited to:

170 1. Telephone system infrastructure, including computer
171 lines, telephone switching equipment, and maintenance, and
172 facsimile equipment, wireless communications, cellular
173 telephones, pagers, and video teleconferencing equipment and
174 line charges. Each county shall continue to provide access to a
175 local carrier for local and long distance service and shall pay
176 toll charges for local and long distance service.

177 2. All computer networks, systems and equipment, including
178 computer hardware and software, modems, printers, wiring,
179 network connections, maintenance, support staff or services
180 including any county-funded support staff located in the offices
181 of the circuit court, county courts, state attorneys, public
182 defenders, guardians ad litem, and criminal conflict and civil
183 regional counsel; training, supplies, and line charges necessary
184 for an integrated computer system to support the operations and
185 management of the state courts system, the offices of the public
186 defenders, the offices of the state attorneys, the guardian ad
187 litem offices, the offices of criminal conflict and civil
188 regional counsel, and the offices of the clerks of the circuit
189 and county courts; and the capability to connect those entities

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190 and reporting data to the state as required for the transmission
191 of revenue, performance accountability, case management, data
192 collection, budgeting, and auditing purposes. The integrated
193 computer system shall be operational by July 1, 2006, and, at a
194 minimum, permit the exchange of financial, performance
195 accountability, case management, case disposition, and other
196 data across multiple state and county information systems
197 involving multiple users at both the state level and within each
198 judicial circuit and be able to electronically exchange judicial
199 case background data, sentencing scoresheets, and video evidence
200 information stored in integrated case management systems over
201 secure networks. Once the integrated system becomes operational,
202 counties may reject requests to purchase communications services
203 included in this subparagraph not in compliance with standards,
204 protocols, or processes adopted by the board established
205 pursuant to former s. 29.0086.

206 3. Courier messenger and subpoena services.

207 4. Auxiliary aids and services for qualified individuals
208 with a disability which are necessary to ensure access to the
209 courts. Such auxiliary aids and services include, but are not
210 limited to, sign language interpretation services required under
211 the federal Americans with Disabilities Act other than services
212 required to satisfy due-process requirements and identified as a
213 state funding responsibility pursuant to ss. 29.004, 29.005,
214 29.006, and 29.007, real-time transcription services for

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215 individuals who are hearing impaired, and assistive listening
216 devices and the equipment necessary to implement such
217 accommodations.

218 (g) "Existing radio systems" includes, but is not limited
219 to, law enforcement radio systems that are used by the circuit
220 and county courts, the offices of the public defenders, the
221 offices of the state attorneys, and for court-related functions
222 of the offices of the clerks of the circuit and county courts.
223 This includes radio systems that were operational or under
224 contract at the time Revision No. 7, 1998, to Art. V of the
225 State Constitution was adopted and any enhancements made
226 thereafter, the maintenance of those systems, and the personnel
227 and supplies necessary for operation.

228 (h) "Existing multiagency criminal justice information
229 systems" includes, but is not limited to, those components of
230 the multiagency criminal justice information system as defined
231 in s. 943.045, supporting the offices of the circuit or county
232 courts, the public defenders' offices, the state attorneys'
233 offices, or those portions of the offices of the clerks of the
234 circuit and county courts performing court-related functions
235 that are used to carry out the court-related activities of those
236 entities. This includes upgrades and maintenance of the current
237 equipment, maintenance and upgrades of supporting technology
238 infrastructure and associated staff, and services and expenses
239 to assure continued information sharing and reporting of

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240 information to the state. The counties shall also provide
241 additional information technology services, hardware, and
242 software as needed for new judges and staff of the state courts
243 system, state attorneys' offices, public defenders' offices,
244 guardian ad litem offices, and the offices of the clerks of the
245 circuit and county courts performing court-related functions.

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247 This subsection applies only to matters relating to court
248 funding and may not be construed to enhance, limit, or define
249 the authority of any court.

250 Section 4. Effective July 1, 2018, subsection (4) is added
251 to section 30.15, Florida Statutes, to read:

252 30.15 Powers, duties, and obligations.—

253 (4) (a) In accordance with each county's funding obligation
254 under s. 14, Art. V of the State Constitution and s. 29.008 to
255 fund security for the trial court facilities, each county
256 sheriff shall coordinate with the board of county commissioners
257 and the chief judge of the circuit where the county is located
258 on the development of a comprehensive plan for the provision of
259 security for trial court facilities. Each sheriff shall retain
260 authority over the operational control and provision of law
261 enforcement services associated with the plan. The chief judge
262 of the circuit shall retain decisionmaking authority to ensure
263 the protection of due process rights, including, but not limited
264 to, the scheduling and conduct of trial and other judicial

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265 proceedings, as part of his or her responsibility for the
266 administrative supervision of trial courts under s. 43.26.

267 (b) Sheriffs and their deputies, employees, and
268 contractors are officers of the court when providing security
269 for trial court facilities under this subsection.

270 Section 5. Effective July 1, 2019, paragraph (c) of
271 subsection (1) of section 34.01, Florida Statutes, is amended to
272 read:

273 34.01 Jurisdiction of county court.—

274 (1) County courts shall have original jurisdiction:

275 (c) Of all actions at law in which the matter in
276 controversy does not exceed the sum of \$50,000 ~~\$15,000~~,
277 exclusive of interest, costs, and attorney ~~attorney's~~ fees,
278 except those within the exclusive jurisdiction of the circuit
279 courts; and

280 Section 6. Effective July 1, 2019, paragraphs (a) and (b)
281 of subsection (1) of section 34.041, Florida Statutes, are
282 amended, and paragraph (e) is added to that subsection, to read:

283 34.041 Filing fees.—

284 (1)(a) Filing fees are due at the time a party files a
285 pleading to initiate a proceeding or files a pleading for
286 relief. Reopen fees are due at the time a party files a pleading
287 to reopen a proceeding if at least 90 days have elapsed since
288 the filing of a final order or final judgment with the clerk. If
289 a fee is not paid upon the filing of the pleading as required

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- 290 under this section, the clerk shall pursue collection of the fee
 291 pursuant to s. 28.246. Upon the institution of any civil action,
 292 suit, or proceeding in county court, the party shall pay the
 293 following filing fee, not to exceed:
- 294 1. For all claims less than \$100.....\$50.
 - 295 2. For all claims of \$100 or more but not more than \$500\$75.
 - 296 3. For all claims of more than \$500 but not more than
 297 \$2,500.....\$170.
 - 298 4. For all claims of more than \$2,500 but not more than
 299 \$15,000.....\$295.
 - 300 5. For all claims of more than \$15,000.....\$395.
 - 301 6. In addition, for all proceedings of garnishment,
 302 attachment, replevin, and distress.....\$85.
 - 303 ~~7.6.~~ Notwithstanding subparagraphs 3. and ~~6. 5.~~, for all
 304 claims of not more than \$1,000 filed simultaneously with an
 305 action for replevin of property that is the subject of the claim\$125.
 - 306 ~~8.7.~~ For removal of tenant action.....\$180.

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

311 (b) The first \$15 of the filing fee collected under
 312 subparagraph (a)4. and the first \$10 of the filing fee collected
 313 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
 314 in the State Courts Revenue Trust Fund. By the 10th day of each

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315 month, the clerk shall submit that portion of the fees collected
316 in the previous month which is in excess of one-twelfth of the
317 clerk's total budget for the performance of court-related
318 functions to the Department of Revenue for deposit into the
319 Clerks of the Court Trust Fund. An additional filing fee of \$4
320 shall be paid to the clerk. The clerk shall transfer \$3.50 to
321 the Department of Revenue for deposit into the Court Education
322 Trust Fund and shall transfer 50 cents to the Department of
323 Revenue for deposit into the Administrative Trust Fund within
324 the Department of Financial Services to fund clerk education
325 provided by the Florida Clerks of Court Operations Corporation.
326 Postal charges incurred by the clerk of the county court in
327 making service by mail on defendants or other parties shall be
328 paid by the party at whose instance service is made. Except as
329 provided in this section, filing fees and service charges for
330 performing duties of the clerk relating to the county court
331 shall be as provided in ss. 28.24 and 28.241. Except as
332 otherwise provided in this section, all filing fees shall be
333 retained as fee income of the office of the clerk of the circuit
334 court. Filing fees imposed by this section may not be added to
335 any penalty imposed by chapter 316 or chapter 318.

336 (e) Of the first \$200 in filing fees payable under
337 subparagraph (a)5., \$195 must be remitted to the Department of
338 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
339 must be remitted to the Department of Revenue for deposit into

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340 the Administrative Trust Fund within the Department of Financial
341 Services and used to fund the contract with the Florida Clerks
342 of Court Operations Corporation created in s. 28.35, and \$1 must
343 be remitted to the Department of Revenue for deposit into the
344 Administrative Trust Fund within the Department of Financial
345 Services to fund audits of individual clerks' court-related
346 expenditures conducted by the Department of Financial Services.
347 By the 10th day of each month, the clerk shall submit that
348 portion of the filing fees collected pursuant to this subsection
349 in the previous month which is in excess of one-twelfth of the
350 clerk's total budget to the Department of Revenue for deposit
351 into the Clerks of the Court Trust Fund.

352 Section 7. Effective July 1, 2019, subsection (1) of
353 section 44.108, Florida Statutes, is amended to read:

354 44.108 Funding of mediation and arbitration.—

355 (1) Mediation and arbitration should be accessible to all
356 parties regardless of financial status. A filing fee of \$1 is
357 levied on all proceedings in the circuit or county courts to
358 fund mediation and arbitration services which are the
359 responsibility of the Supreme Court pursuant to the provisions
360 of s. 44.106. However, the filing fee may not be levied upon an
361 appeal from the county court to the circuit court for a claim in
362 excess of \$15,000. The clerk of the court shall forward the
363 moneys collected to the Department of Revenue for deposit in the
364 State Courts Revenue Trust Fund.

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365 Section 8. The changes to jurisdiction and filing fees in
366 this act apply to any cause of action filed on or after July 1,
367 2019, regardless of when the cause of action accrued.

368 Section 9. Except as otherwise expressly provided in this
369 act, this act shall take effect upon becoming a law.

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T I T L E A M E N D M E N T

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Remove lines 553-594 of the amendment and insert:

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headquarters; amending s. 28.241, F.S.; requiring

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specified filing fees for appeals from certain county

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courts; amending s. 29.008, F.S.; providing

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applicability and construction; amending s. 30.15,

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F.S.; requiring county sheriffs to coordinate with the

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board of county commissioners and the chief judge of

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the circuit in developing a plan for providing trial

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court facility security; providing that such sheriffs

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retain certain authority relating to such plan;

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providing that such chief judge retains certain

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decisionmaking authority; specifying that sheriffs and

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their deputies, employees, and contractors are

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officers of the court when providing security for

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trial court facilities; amending s. 34.01, F.S.;

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increasing the jurisdictional limit for actions at law

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390 by county courts; amending s. 34.041, F.S.; providing
391 county court civil filing fees for claims of specified
392 values; providing for distribution of those fees;
393 amending s. 44.108, F.S.; providing that a certain
394 mediation fee is not applicable to certain appeals;
395 providing applicability; providing effective dates.

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