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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Criminal and Civil Justice  
(Brandes) recommended the following:

**Senate Substitute for Amendment (867520)**

Delete lines 66 - 245

and insert:

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

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

3. If filed on or after January 1, 2022, the sum of  
\$50,000.



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

14

15 By March 1, 2021, the Office of the State Courts Administrator  
16 shall submit a report to the Governor, the President of the  
17 Senate, and the Speaker of the House of Representatives. The  
18 report must make recommendations regarding the adjustment of  
19 county court jurisdiction, including, but not limited to,  
20 consideration of the claim value of filings in county court and  
21 circuit court, case events, timeliness in processing cases, and  
22 any fiscal impact to the state as a result of adjusted  
23 jurisdictional limits. The clerks of the circuit court and  
24 county court shall provide claim value data and necessary case  
25 event data to the office to be used in development of the  
26 report. The report must also include a review of fees to ensure  
27 that the court system is adequately funded and a review of the  
28 appellate jurisdiction of the district courts and the circuit  
29 courts.

30 Section 3. Paragraphs (a), (b), and (c) of subsection (1)  
31 of section 34.041, Florida Statutes, are amended, and paragraph  
32 (e) is added to that subsection, to read:

33 34.041 Filing fees.—

34 (1) (a) Filing fees are due at the time a party files a  
35 pleading to initiate a proceeding or files a pleading for  
36 relief. Reopen fees are due at the time a party files a pleading  
37 to reopen a proceeding if at least 90 days have elapsed since  
38 the filing of a final order or final judgment with the clerk. If  
39 a fee is not paid upon the filing of the pleading as required



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40 under this section, the clerk shall pursue collection of the fee  
41 pursuant to s. 28.246. Upon the institution of any civil action,  
42 suit, or proceeding in county court, the party shall pay the  
43 following filing fee, not to exceed:

- 44 1. For all claims less than \$100.....\$50.
- 45 2. For all claims of \$100 or more but not more than  
46 \$500.....\$75.
- 47 3. For all claims of more than \$500 but not more than  
48 \$2,500.....\$170.
- 49 4. For all claims of more than \$2,500 but not more than  
50 \$15,000.....\$295.
- 51 5. For all claims more than \$15,000.....\$395.
- 52 ~~6.5.~~ In addition, for all proceedings of garnishment,  
53 attachment, replevin, and distress.....\$85.
- 54 ~~7.6.~~ Notwithstanding subparagraphs 3. and ~~6. 5.~~, for all  
55 claims of not more than \$1,000 filed simultaneously with an  
56 action for replevin of property that is the subject of the  
57 claim.....\$125.
- 58 ~~8.7.~~ For removal of tenant action.....\$180.

59  
60 The filing fee in subparagraph ~~7. 6.~~ is the total fee due under  
61 this paragraph for that type of filing, and no other filing fee  
62 under this paragraph may be assessed against such a filing.

63 (b) The first \$15 of the filing fee collected under  
64 subparagraph (a)4. and the first \$10 of the filing fee collected  
65 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited  
66 in the State Courts Revenue Trust Fund. By the 10th day of each  
67 month, the clerk shall submit that portion of the fees collected  
68 in the previous month which is in excess of one-twelfth of the



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69 clerk's total budget for the performance of court-related  
70 functions to the Department of Revenue for deposit into the  
71 Clerks of the Court Trust Fund. An additional filing fee of \$4  
72 shall be paid to the clerk. The clerk shall transfer \$3.50 to  
73 the Department of Revenue for deposit into the Court Education  
74 Trust Fund and shall transfer 50 cents to the Department of  
75 Revenue for deposit into the Administrative Trust Fund within  
76 the Department of Financial Services to fund clerk education  
77 provided by the Florida Clerks of Court Operations Corporation.  
78 Postal charges incurred by the clerk of the county court in  
79 making service by mail on defendants or other parties shall be  
80 paid by the party at whose instance service is made. Except as  
81 provided in this section, filing fees and service charges for  
82 performing duties of the clerk relating to the county court  
83 shall be as provided in ss. 28.24 and 28.241. Except as  
84 otherwise provided in this section, all filing fees shall be  
85 retained as fee income of the office of the clerk of the circuit  
86 court. Filing fees imposed by this section may not be added to  
87 any penalty imposed by chapter 316 or chapter 318.

88 (c) A party in addition to a party described in paragraph  
89 (a) who files a pleading in an original civil action in the  
90 county court for affirmative relief by cross-claim,  
91 counterclaim, counterpetition, or third-party complaint, or who  
92 files a notice of cross-appeal or notice of joinder or motion to  
93 intervene as an appellant, cross-appellant, or petitioner, shall  
94 pay the clerk of court a fee of \$295 if the relief sought by the  
95 party under this paragraph exceeds \$2,500 but is not more than  
96 \$15,000 and \$395 if the relief sought by the party under this  
97 paragraph exceeds \$15,000. The clerk shall remit the fee if the



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98 relief sought by the party under this paragraph exceeds \$2,500  
99 but is not more than \$15,000 to the Department of Revenue for  
100 deposit into the General Revenue Fund. This fee does not apply  
101 if the cross-claim, counterclaim, counterpetition, or third-  
102 party complaint requires transfer of the case from county to  
103 circuit court. However, the party shall pay to the clerk the  
104 standard filing fee for the court to which the case is to be  
105 transferred.

106 (e) Of the first \$200 in filing fees payable under  
107 subparagraph (a)5., \$195 must be remitted to the Department of  
108 Revenue for deposit into the State Courts Revenue Trust Fund, \$4  
109 must be remitted to the Department of Revenue for deposit into  
110 the Administrative Trust Fund within the Department of Financial  
111 Services and used to fund the contract with the Florida Clerks  
112 of Court Operations Corporation created in s. 28.35, and \$1 must  
113 be remitted to the Department of Revenue for deposit into the  
114 Administrative Trust Fund within the Department of Financial  
115 Services to fund audits of individual clerks' court-related  
116 expenditures conducted by the Department of Financial Services.  
117 By the 10th day of each month, the clerk shall submit that  
118 portion of the filing fees collected pursuant to this subsection  
119 in the previous month which is in excess of one-twelfth of the  
120 clerk's total budget to the Department of Revenue for deposit  
121 into the Clerks of the Court Trust Fund.

122 Section 4. Section 44.108, Florida Statutes, is amended to  
123 read:

124 44.108 Funding of mediation and arbitration.—

125 (1) Mediation and arbitration should be accessible to all  
126 parties regardless of financial status. A filing fee of \$1 is



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127 levied on all proceedings in the circuit or county courts to  
128 fund mediation and arbitration services which are the  
129 responsibility of the Supreme Court pursuant to the provisions  
130 of s. 44.106. However, the filing fee may not be levied upon an  
131 appeal from the county court to the circuit court for a claim  
132 that is greater than \$15,000. The clerk of the court shall  
133 forward the moneys collected to the Department of Revenue for  
134 deposit in the State Courts Revenue Trust Fund.

135 (2) When court-ordered mediation services are provided by a  
136 circuit court's mediation program, the following fees, unless  
137 otherwise established in the General Appropriations Act, shall  
138 be collected by the clerk of court:

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

142 (b) Sixty dollars per person per scheduled session in  
143 family mediation when the parties' combined income is less than  
144 \$50,000; or

145 (c) Sixty dollars per person per scheduled session in  
146 county court cases involving an amount in controversy not  
147 exceeding \$15,000.

148  
149 No mediation fees shall be assessed under this subsection in  
150 residential eviction cases, against a party found to be  
151 indigent, or for any small claims action. Fees collected by the  
152 clerk of court pursuant to this section shall be remitted to the  
153 Department of Revenue for deposit into the State Courts Revenue  
154 Trust Fund to fund court-ordered mediation. The clerk of court  
155 may deduct \$1 per fee assessment for processing this fee. The



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156 clerk of the court shall submit to the chief judge of the  
157 circuit and to the Office of the State Courts Administrator, no  
158 later than 30 days after the end of each quarter of the fiscal  
159 year, a report specifying the amount of funds collected and  
160 remitted to the State Courts Revenue Trust Fund under this  
161 section and any other section during the previous quarter of the  
162 fiscal year. In addition to identifying the total aggregate  
163 collections and remissions from all statutory sources, the  
164 report must identify collections and remissions by each  
165 statutory source.

166 Section 5. Section 45.21, Florida Statutes, is created to  
167 read:

168 45.21 Reasonableness of amount in controversy; procedures.-

169 (1) In any civil action in which the court's jurisdiction  
170 is dependent on the amount in controversy, the defendant may, as  
171 a matter of right, demand proof of the reasonableness of the  
172 amount in controversy within 30 days after the complaint is  
173 filed. The defendant need not offer any evidence or argument to  
174 support the demand.

175 (2) A demand pursuant to subsection (1) is deemed a  
176 responsive pleading for purposes of the rules of procedure and  
177 the following procedures shall apply:

178 (a) The court must promptly hold a hearing to determine  
179 whether the amount in controversy as alleged in the complaint is  
180 reasonable.

181 (b) At the hearing, the plaintiff must demonstrate, by a  
182 preponderance of the evidence, a reasonable likelihood of  
183 recovering at least the amount alleged in the complaint.

184 (c) If the court finds that the plaintiff has not made the



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185 showing as required in paragraph (b), the court must transfer  
186 the matter to the appropriate court.

187       Section 6. The amendments to the jurisdiction of a court  
188 made by this act shall apply with respect to the date of filing  
189 the cause of action, regardless of when the cause of action  
190 accrued.

191       Section 7. This act shall take effect January 1, 2020.