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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2019	.	
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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.