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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2019	.	
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The Committee on Infrastructure and Security (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 28.241, Florida Statutes, is amended to read:

28.241 Filing fees for trial and appellate proceedings.—

(2) (a) Upon the institution of any appellate proceeding from any lower court to the circuit court of any such county, including appeals filed by a county or municipality as provided



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11 in s. 34.041(5), or from the circuit court to an appellate court
12 of the state, the clerk shall charge and collect from the party
13 or parties instituting such appellate proceedings:

14 1. A filing fee not to exceed \$280 for filing a notice of
15 appeal from the county court to the circuit court, excluding a
16 civil case in which the matter in controversy was more than
17 \$15,000.

18 2. A filing fee not to exceed \$400 for filing a notice of
19 appeal from the county court to the circuit court for a civil
20 case in which the matter in controversy was more than \$15,000.
21 The clerk shall remit \$250 of each filing fee collected under
22 this subparagraph to the Department of Revenue for deposit into
23 the General Revenue Fund and the clerk shall remit \$50 of each
24 filing fee to the Department of Revenue for deposit into the
25 State Courts Revenue Trust Fund to fund court operations as
26 authorized in the General Appropriations Act. The clerk shall
27 retain an accounting of each such remittance. and,

28 3. In addition to the filing fee required under s. 25.241
29 or s. 35.22, \$100 for filing a notice of appeal from the circuit
30 court to the district court of appeal or to the Supreme Court.

31 (b) If the party is determined to be indigent, the clerk
32 shall defer payment of the fee otherwise required by this
33 subsection.

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

36 34.01 Jurisdiction of county court.—

37 (1) County courts shall have original jurisdiction:

38 (a) In all misdemeanor cases not cognizable by the circuit
39 courts.†



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40 (b) Of all violations of municipal and county ordinances.~~†~~

41 (c) Of all actions at law, except those within the
42 exclusive jurisdiction of the circuit courts, in which the
43 matter in controversy does not exceed ~~the sum of \$15,000,~~
44 exclusive of interest, costs, and attorney ~~attorney's~~ fees:†
45 ~~except those within the exclusive jurisdiction of the circuit~~
46 ~~courts; and~~

47 1. If filed on or before June 30, 2019, the sum of \$15,000.

48 2. If filed on or after July 1, 2019, the sum of \$30,000.

49 3. If filed on or after July 1, 2021, the sum of \$50,000.

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

53
54 By March 1, 2021, the State Courts Administrator shall submit a
55 report to the Governor, the President of the Senate, and the
56 Speaker of the House of Representatives. The report must make
57 recommendations regarding the adjustment of county court
58 jurisdiction, including, but not limited to, an analysis of
59 workflow, timely access to court by litigants, and any resulting
60 fiscal impact to the state as a result of adjusted
61 jurisdictional limits. The report must also include a review of
62 fees to ensure that the court system is adequately funded and a
63 review of the appellate jurisdiction of the district courts and
64 the circuit courts.

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

68 34.041 Filing fees.—



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69 (1) (a) Filing fees are due at the time a party files a
70 pleading to initiate a proceeding or files a pleading for
71 relief. Reopen fees are due at the time a party files a pleading
72 to reopen a proceeding if at least 90 days have elapsed since
73 the filing of a final order or final judgment with the clerk. If
74 a fee is not paid upon the filing of the pleading as required
75 under this section, the clerk shall pursue collection of the fee
76 pursuant to s. 28.246. Upon the institution of any civil action,
77 suit, or proceeding in county court, the party shall pay the
78 following filing fee, not to exceed:

- 79 1. For all claims less than \$100.....\$50.
80 2. For all claims of \$100 or more but not more than
81 \$500.....\$75.
82 3. For all claims of more than \$500 but not more than
83 \$2,500.....\$170.
84 4. For all claims of more than \$2,500 but not more than
85 \$15,000.....\$295.
86 5. For all claims more than \$15,000.....\$395.
87 ~~6.5-~~ In addition, for all proceedings of garnishment,
88 attachment, replevin, and distress.....\$85.
89 ~~7.6-~~ Notwithstanding subparagraphs 3. and ~~6. 5-~~, for all
90 claims of not more than \$1,000 filed simultaneously with an
91 action for replevin of property that is the subject of the
92 claim.....\$125.
93 ~~8.7-~~ For removal of tenant action.....\$180.

94
95 The filing fee in subparagraph 7. 6- is the total fee due under
96 this paragraph for that type of filing, and no other filing fee
97 under this paragraph may be assessed against such a filing.



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98 (b) The first \$15 of the filing fee collected under
99 subparagraph (a)4. and the first \$10 of the filing fee collected
100 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
101 in the State Courts Revenue Trust Fund. By the 10th day of each
102 month, the clerk shall submit that portion of the fees collected
103 in the previous month which is in excess of one-twelfth of the
104 clerk's total budget for the performance of court-related
105 functions to the Department of Revenue for deposit into the
106 Clerks of the Court Trust Fund. An additional filing fee of \$4
107 shall be paid to the clerk. The clerk shall transfer \$3.50 to
108 the Department of Revenue for deposit into the Court Education
109 Trust Fund and shall transfer 50 cents to the Department of
110 Revenue for deposit into the Administrative Trust Fund within
111 the Department of Financial Services to fund clerk education
112 provided by the Florida Clerks of Court Operations Corporation.
113 Postal charges incurred by the clerk of the county court in
114 making service by mail on defendants or other parties shall be
115 paid by the party at whose instance service is made. Except as
116 provided in this section, filing fees and service charges for
117 performing duties of the clerk relating to the county court
118 shall be as provided in ss. 28.24 and 28.241. Except as
119 otherwise provided in this section, all filing fees shall be
120 retained as fee income of the office of the clerk of the circuit
121 court. Filing fees imposed by this section may not be added to
122 any penalty imposed by chapter 316 or chapter 318.

123 (c) A party in addition to a party described in paragraph
124 (a) who files a pleading in an original civil action in the
125 county court for affirmative relief by cross-claim,
126 counterclaim, counterpetition, or third-party complaint, or who



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127 files a notice of cross-appeal or notice of joinder or motion to
128 intervene as an appellant, cross-appellant, or petitioner, shall
129 pay the clerk of court a fee of \$295 if the relief sought by the
130 party under this paragraph exceeds \$2,500 but is not more than
131 \$15,000 and \$395 if the relief sought by the party under this
132 paragraph exceeds \$15,000. The clerk shall remit the fee if the
133 relief sought by the party under this paragraph exceeds \$2,500
134 but is not more than \$15,000 to the Department of Revenue for
135 deposit into the General Revenue Fund. This fee does not apply
136 if the cross-claim, counterclaim, counterpetition, or third-
137 party complaint requires transfer of the case from county to
138 circuit court. However, the party shall pay to the clerk the
139 standard filing fee for the court to which the case is to be
140 transferred.

141 (e) Of the first \$200 in filing fees payable under
142 subparagraph (a)5., \$195 must be remitted to the Department of
143 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
144 must be remitted to the Department of Revenue for deposit into
145 the Administrative Trust Fund within the Department of Financial
146 Services and used to fund the contract with the Florida Clerks
147 of Court Operations Corporation created in s. 28.35, and \$1 must
148 be remitted to the Department of Revenue for deposit into the
149 Administrative Trust Fund within the Department of Financial
150 Services to fund audits of individual clerks' court-related
151 expenditures conducted by the Department of Financial Services.
152 By the 10th day of each month, the clerk shall submit that
153 portion of the filing fees collected pursuant to this subsection
154 in the previous month which is in excess of one-twelfth of the
155 clerk's total budget to the Department of Revenue for deposit



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156 into the Clerks of the Court Trust Fund.

157 Section 4. Section 44.108, Florida Statutes, is amended to
158 read:

159 44.108 Funding of mediation and arbitration.—

160 (1) Mediation and arbitration should be accessible to all
161 parties regardless of financial status. A filing fee of \$1 is
162 levied on all proceedings in the circuit or county courts to
163 fund mediation and arbitration services which are the
164 responsibility of the Supreme Court pursuant to the provisions
165 of s. 44.106. However, the filing fee may not be levied upon an
166 appeal from the county court to the circuit court for a claim
167 that is greater than \$15,000. The clerk of the court shall
168 forward the moneys collected to the Department of Revenue for
169 deposit in the State Courts Revenue Trust Fund.

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

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

177 (b) Sixty dollars per person per scheduled session in
178 family mediation when the parties' combined income is less than
179 \$50,000; or

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

183
184 No mediation fees shall be assessed under this subsection in



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185 residential eviction cases, against a party found to be
186 indigent, or for any small claims action. Fees collected by the
187 clerk of court pursuant to this section shall be remitted to the
188 Department of Revenue for deposit into the State Courts Revenue
189 Trust Fund to fund court-ordered mediation. The clerk of court
190 may deduct \$1 per fee assessment for processing this fee. The
191 clerk of the court shall submit to the chief judge of the
192 circuit and to the Office of the State Courts Administrator, no
193 later than 30 days after the end of each quarter of the fiscal
194 year, a report specifying the amount of funds collected and
195 remitted to the State Courts Revenue Trust Fund under this
196 section and any other section during the previous quarter of the
197 fiscal year. In addition to identifying the total aggregate
198 collections and remissions from all statutory sources, the
199 report must identify collections and remissions by each
200 statutory source.

201 Section 5. Section 45.21, Florida Statutes, is created to
202 read:

203 45.21 Reasonableness of amount in controversy; procedures.-

204 (1) In any civil action in which the court's jurisdiction
205 is dependent on the amount in controversy, the defendant may, as
206 a matter of right, demand proof of the reasonableness of the
207 amount in controversy within 30 days after the complaint is
208 filed. The defendant need not offer any evidence or argument to
209 support the demand.

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

213 (a) The court must promptly hold a hearing to determine



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214 whether the amount in controversy as alleged in the complaint is
215 reasonable.

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

219 (c) If the court finds that the plaintiff has not made the
220 showing as required in paragraph (b), the court must transfer
221 the matter to the appropriate court.

222 Section 6. The amendments to the jurisdiction of a court
223 made by this act shall apply with respect to the date of filing
224 the cause of action, regardless of when the cause of action
225 accrued.

226 Section 7. This act shall take effect July 1, 2019.

227
228 ===== T I T L E A M E N D M E N T =====

229 And the title is amended as follows:

230 Delete everything before the enacting clause
231 and insert:

232 A bill to be entitled
233 An act relating to courts; amending s. 28.241, F.S.;
234 requiring specified filing fees for appeals from
235 certain county courts; amending s. 34.01, F.S.;
236 increasing the jurisdictional limit for actions at law
237 by county courts on specified dates; requiring the
238 State Courts Administrator to submit a report
239 containing certain recommendations and reviews to the
240 Governor and the Legislature by a specified date;
241 amending s. 34.041, F.S.; providing county court civil
242 filing fees for claims of specified values; providing



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243 for distribution of the fees; amending s. 44.108,
244 F.S.; prohibiting the levy of certain fees for
245 mediation and arbitration services in certain cases;
246 creating s. 45.21, F.S., authorizing certain
247 defendants to demand that a court issue a ruling
248 related to proper court venue; authorizing a court to
249 transfer certain civil cases if specified criteria are
250 met; providing applicability; providing an effective
251 date.