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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to courts; amending s. 28.241, F.S.;
requiring specified filing fees for appeals from
certain county courts; amending s. 34.01, F.S.;
increasing the jurisdictional limit for actions at law
by county courts on specified dates; requiring the
State Courts Administrator to submit a report
containing certain recommendations and reviews to the
Governor and the Legislature by a specified date;
amending s. 34.041, F.S.; providing county court civil
filing fees for claims of specified values; providing
for distribution of the fees; amending s. 44.108,
F.S.; prohibiting the levy of certain fees for
mediation and arbitration services in certain cases;
creating s. 45.21, F.S., authorizing certain
defendants to demand that a court issue a ruling
related to proper court venue; authorizing a court to
transfer certain civil cases if specified criteria are
met; providing applicability; providing an effective
date.

Be It Enacted by the Legislature of the State of Florida:

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



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28 from any lower court to the circuit court of any such county,
29 including appeals filed by a county or municipality as provided
30 in s. 34.041(5), or from the circuit court to an appellate court
31 of the state, the clerk shall charge and collect from the party
32 or parties instituting such appellate proceedings:

33 1. A filing fee not to exceed \$280 for filing a notice of
34 appeal from the county court to the circuit court, excluding a
35 civil case in which the matter in controversy was more than
36 \$15,000.

37 2. A filing fee not to exceed \$400 for filing a notice of
38 appeal from the county court to the circuit court for a civil
39 case in which the matter in controversy was more than \$15,000.
40 The clerk shall remit \$250 of each filing fee collected under
41 this subparagraph to the Department of Revenue for deposit into
42 the General Revenue Fund and the clerk shall remit \$50 of each
43 filing fee to the Department of Revenue for deposit into the
44 State Courts Revenue Trust Fund to fund court operations as
45 authorized in the General Appropriations Act. The clerk shall
46 retain an accounting of each such remittance. ~~and,~~

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

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

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

55 34.01 Jurisdiction of county court.—

56 (1) County courts shall have original jurisdiction:



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57 (a) In all misdemeanor cases not cognizable by the circuit
58 courts.~~†~~

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

60 (c) Of all actions at law, except those within the
61 exclusive jurisdiction of the circuit courts, in which the
62 matter in controversy does not exceed ~~the sum of \$15,000,~~
63 exclusive of interest, costs, and attorney attorney's fees;~~†~~
64 ~~except those within the exclusive jurisdiction of the circuit~~
65 ~~courts; and~~

66 1. If filed on or before December 31, 2019, the sum of
67 \$15,000.

68 2. If filed on or after January 1, 2020, the sum of
69 \$30,000.

70 3. If filed on or after January 1, 2022, the sum of
71 \$50,000.

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

75
76 By March 1, 2021, the Office of the State Courts Administrator
77 shall submit a report to the Governor, the President of the
78 Senate, and the Speaker of the House of Representatives. The
79 report must make recommendations regarding the adjustment of
80 county court jurisdiction, including, but not limited to,
81 consideration of the claim value of filings in county court and
82 circuit court, case events, timeliness in processing cases, and
83 any fiscal impact to the state as a result of adjusted
84 jurisdictional limits. The clerks of the circuit court and
85 county court shall provide claim value data and necessary case



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86 event data to the office to be used in development of the
87 report. The report must also include a review of fees to ensure
88 that the court system is adequately funded and a review of the
89 appellate jurisdiction of the district courts and the circuit
90 courts.

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

94 34.041 Filing fees.—

95 (1) (a) Filing fees are due at the time a party files a
96 pleading to initiate a proceeding or files a pleading for
97 relief. Reopen fees are due at the time a party files a pleading
98 to reopen a proceeding if at least 90 days have elapsed since
99 the filing of a final order or final judgment with the clerk. If
100 a fee is not paid upon the filing of the pleading as required
101 under this section, the clerk shall pursue collection of the fee
102 pursuant to s. 28.246. Upon the institution of any civil action,
103 suit, or proceeding in county court, the party shall pay the
104 following filing fee, not to exceed:

- 105 1. For all claims less than \$100.....\$50.
106 2. For all claims of \$100 or more but not more than
107 \$500.....\$75.
108 3. For all claims of more than \$500 but not more than
109 \$2,500.....\$170.
110 4. For all claims of more than \$2,500 but not more than
111 \$15,000.....\$295.
112 5. For all claims more than \$15,000.....\$395.
113 6.5 In addition, for all proceedings of garnishment,
114 attachment, replevin, and distress.....\$85.



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115 ~~7.6.~~ Notwithstanding subparagraphs 3. and ~~6. 5.~~, for all
116 claims of not more than \$1,000 filed simultaneously with an
117 action for replevin of property that is the subject of the
118 claim.....\$125.
119 ~~8.7.~~ For removal of tenant action.....\$180.

120
121 The filing fee in subparagraph ~~7. 6.~~ is the total fee due under
122 this paragraph for that type of filing, and no other filing fee
123 under this paragraph may be assessed against such a filing.

124 (b) The first \$15 of the filing fee collected under
125 subparagraph (a)4. and the first \$10 of the filing fee collected
126 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
127 in the State Courts Revenue Trust Fund. By the 10th day of each
128 month, the clerk shall submit that portion of the fees collected
129 in the previous month which is in excess of one-twelfth of the
130 clerk's total budget for the performance of court-related
131 functions to the Department of Revenue for deposit into the
132 Clerks of the Court Trust Fund. An additional filing fee of \$4
133 shall be paid to the clerk. The clerk shall transfer \$3.50 to
134 the Department of Revenue for deposit into the Court Education
135 Trust Fund and shall transfer 50 cents to the Department of
136 Revenue for deposit into the Administrative Trust Fund within
137 the Department of Financial Services to fund clerk education
138 provided by the Florida Clerks of Court Operations Corporation.
139 Postal charges incurred by the clerk of the county court in
140 making service by mail on defendants or other parties shall be
141 paid by the party at whose instance service is made. Except as
142 provided in this section, filing fees and service charges for
143 performing duties of the clerk relating to the county court



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144 shall be as provided in ss. 28.24 and 28.241. Except as
145 otherwise provided in this section, all filing fees shall be
146 retained as fee income of the office of the clerk of the circuit
147 court. Filing fees imposed by this section may not be added to
148 any penalty imposed by chapter 316 or chapter 318.

149 (c) A party in addition to a party described in paragraph
150 (a) who files a pleading in an original civil action in the
151 county court for affirmative relief by cross-claim,
152 counterclaim, counterpetition, or third-party complaint, or who
153 files a notice of cross-appeal or notice of joinder or motion to
154 intervene as an appellant, cross-appellant, or petitioner, shall
155 pay the clerk of court a fee of \$295 if the relief sought by the
156 party under this paragraph exceeds \$2,500 but is not more than
157 \$15,000 and \$395 if the relief sought by the party under this
158 paragraph exceeds \$15,000. The clerk shall remit the fee if the
159 relief sought by the party under this paragraph exceeds \$2,500
160 but is not more than \$15,000 to the Department of Revenue for
161 deposit into the General Revenue Fund. This fee does not apply
162 if the cross-claim, counterclaim, counterpetition, or third-
163 party complaint requires transfer of the case from county to
164 circuit court. However, the party shall pay to the clerk the
165 standard filing fee for the court to which the case is to be
166 transferred.

167 (e) Of the first \$200 in filing fees payable under
168 subparagraph (a)5., \$195 must be remitted to the Department of
169 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
170 must be remitted to the Department of Revenue for deposit into
171 the Administrative Trust Fund within the Department of Financial
172 Services and used to fund the contract with the Florida Clerks



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173 of Court Operations Corporation created in s. 28.35, and \$1 must
174 be remitted to the Department of Revenue for deposit into the
175 Administrative Trust Fund within the Department of Financial
176 Services to fund audits of individual clerks' court-related
177 expenditures conducted by the Department of Financial Services.
178 By the 10th day of each month, the clerk shall submit that
179 portion of the filing fees collected pursuant to this subsection
180 in the previous month which is in excess of one-twelfth of the
181 clerk's total budget to the Department of Revenue for deposit
182 into the Clerks of the Court Trust Fund.

183 Section 4. Section 44.108, Florida Statutes, is amended to
184 read:

185 44.108 Funding of mediation and arbitration.—

186 (1) Mediation and arbitration should be accessible to all
187 parties regardless of financial status. A filing fee of \$1 is
188 levied on all proceedings in the circuit or county courts to
189 fund mediation and arbitration services which are the
190 responsibility of the Supreme Court pursuant to the provisions
191 of s. 44.106. However, the filing fee may not be levied upon an
192 appeal from the county court to the circuit court for a claim
193 that is greater than \$15,000. The clerk of the court shall
194 forward the moneys collected to the Department of Revenue for
195 deposit in the State Courts Revenue Trust Fund.

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

200 (a) One-hundred twenty dollars per person per scheduled
201 session in family mediation when the parties' combined income is



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202 greater than \$50,000, but less than \$100,000 per year;

203 (b) Sixty dollars per person per scheduled session in
204 family mediation when the parties' combined income is less than
205 \$50,000; or

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

209
210 No mediation fees shall be assessed under this subsection in
211 residential eviction cases, against a party found to be
212 indigent, or for any small claims action. Fees collected by the
213 clerk of court pursuant to this section shall be remitted to the
214 Department of Revenue for deposit into the State Courts Revenue
215 Trust Fund to fund court-ordered mediation. The clerk of court
216 may deduct \$1 per fee assessment for processing this fee. The
217 clerk of the court shall submit to the chief judge of the
218 circuit and to the Office of the State Courts Administrator, no
219 later than 30 days after the end of each quarter of the fiscal
220 year, a report specifying the amount of funds collected and
221 remitted to the State Courts Revenue Trust Fund under this
222 section and any other section during the previous quarter of the
223 fiscal year. In addition to identifying the total aggregate
224 collections and remissions from all statutory sources, the
225 report must identify collections and remissions by each
226 statutory source.

227 Section 5. Section 45.21, Florida Statutes, is created to
228 read:

229 45.21 Reasonableness of amount in controversy; procedures.-

230 (1) In any civil action in which the court's jurisdiction



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231 is dependent on the amount in controversy, the defendant may, as
232 a matter of right, demand proof of the reasonableness of the
233 amount in controversy within 30 days after the complaint is
234 filed. The defendant need not offer any evidence or argument to
235 support the demand.

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

239 (a) The court must promptly hold a hearing to determine
240 whether the amount in controversy as alleged in the complaint is
241 reasonable.

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

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

248 Section 6. The amendments to the jurisdiction of a court
249 made by this act shall apply with respect to the date of filing
250 the cause of action, regardless of when the cause of action
251 accrued.

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