



928418

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2019	.	
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The Committee on Judiciary (Brandes) recommended the following:

1           **Senate Substitute for Amendment (977268) (with title**  
2 **amendment)**

3  
4           Delete lines 357 - 398

5 and insert:

6           Section 5. Subsection (1) of section 34.01, Florida  
7 Statutes, is amended to read:

8           34.01 Jurisdiction of county court.—

9           (1) County courts shall have original jurisdiction:

10           (a) In all misdemeanor cases not cognizable by the circuit  
11 courts.†



928418

12 (b) Of all violations of municipal and county ordinances.~~†~~  
13 (c)1. Of all actions at law filed on or before December 31,  
14 2019, in which the matter in controversy does not exceed the sum  
15 of \$15,000, exclusive of interest, costs, and attorney  
16 attorney's fees, except those within the exclusive jurisdiction  
17 of the circuit courts.~~†~~~~and~~  
18 2. Of all actions at law filed on or after January 1, 2020,  
19 in which the matter in controversy does not exceed the sum of  
20 \$30,000, exclusive of interest, costs, and attorney fees,  
21 except:  
22 a. Actions within the exclusive jurisdiction of the circuit  
23 courts; and  
24 b. Actions relating to damages or losses covered by an  
25 insurance policy, including coverage disputes, in which the  
26 matter in controversy exceeds the sum of \$25,000, exclusive of  
27 interest, costs, and attorney fees.  
28 3. Of all actions at law filed on or after January 1, 2022,  
29 in which the matter in controversy does not exceed the sum of  
30 \$50,000, exclusive of interest, costs, and attorney fees,  
31 except:  
32 a. Actions within the exclusive jurisdiction of the circuit  
33 courts; and  
34 b. Actions relating to damages or losses covered by an  
35 insurance policy, including coverage disputes, in which the  
36 matter in controversy exceeds the sum of \$25,000, exclusive of  
37 interest, costs, and attorney fees.  
38  
39 The limits in subparagraph 3. must be adjusted every 10 years  
40 after January 1, 2022, to reflect the rate of inflation or



928418

41 deflation as indicated in the Consumer Price Index for All Urban  
42 Consumers, U.S. City Average, All Items, or successor reports as  
43 reported by the United States Department of Labor, Bureau of  
44 Labor Statistics, or its successor. Such adjustments must be  
45 rounded to the nearest \$5,000.

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

49  
50 By March 1, 2021, the State Courts Administrator shall make  
51 recommendations regarding the adjustment of county court  
52 jurisdiction to the Governor, the President of the Senate, and  
53 the Speaker of the House of Representatives. The recommendation  
54 must include an analysis of workflow, timely access to court by  
55 litigants, and any resulting fiscal impact to the state as a  
56 result of adjusted jurisdictional limits.

57 Section 6. Subsection (2) of section 28.241, Florida  
58 Statutes, is amended to read:

59 28.241 Filing fees for trial and appellate proceedings.—

60 (2) (a) Upon the institution of any appellate proceeding  
61 from any lower court to the circuit court of any such county,  
62 including appeals filed by a county or municipality as provided  
63 in s. 34.041(5), or from the circuit court to an appellate court  
64 of the state, the clerk shall charge and collect from the party  
65 or parties instituting such appellate proceedings:

66 1. A filing fee not to exceed \$280 for filing a notice of  
67 appeal from the county court to the circuit court, excluding a  
68 civil case where the matter in controversy was more than  
69 \$15,000. and,



928418

70           2. A filing fee not to exceed \$400 for filing a notice of  
71 appeal from the county court to the circuit court for a civil  
72 case where the matter in controversy was more than \$15,000. The  
73 clerk shall remit \$250 of each filing fee collected under this  
74 subparagraph to the Department of Revenue for deposit into the  
75 General Revenue Fund, and the clerk shall remit \$50 of each  
76 filing fee to the Department of Revenue for deposit into the  
77 State Courts Revenue Trust Fund to fund court operations as  
78 authorized in the General Appropriations Act. The clerk shall  
79 retain an accounting of each such remittance.

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

83           (b) If the party is determined to be indigent, the clerk  
84 shall defer payment of the fee required by this subsection.

85           Section 7. Subsection (1) of section 34.041, Florida  
86 Statutes, is amended to read:

87           34.041 Filing fees.—

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

98           1. For all claims less than \$100.....\$50.



928418

- 99           2. For all claims of \$100 or more but not more than  
100 \$500.....\$75.  
101           3. For all claims of more than \$500 but not more than  
102 \$2,500.....\$170.  
103           4. For all claims of more than \$2,500 but not more than  
104 \$15,000.....\$295.  
105           5. For all claims more than \$15,000.....\$395.  
106           ~~6.5.~~ In addition, for all proceedings of garnishment,  
107 attachment, replevin, and distress.....\$85.  
108           ~~7.6.~~ Notwithstanding subparagraphs 3. and ~~6.5.~~, for all  
109 claims of not more than \$1,000 filed simultaneously with an  
110 action for replevin of property that is the subject of the  
111 claim.....\$125.  
112           ~~8.7.~~ For removal of tenant action.....\$180.

113  
114 The filing fee in subparagraph ~~7.6.~~ is the total fee due under  
115 this paragraph for that type of filing, and no other filing fee  
116 under this paragraph may be assessed against such a filing.

117           (b) The first \$15 of the filing fee collected under  
118 subparagraph (a)4. and the first \$10 of the filing fee collected  
119 under subparagraph ~~(a)8.~~~~(a)7.~~ shall be deposited in the State  
120 Courts Revenue Trust Fund. By the 10th day of each month, the  
121 clerk shall submit that portion of the fees collected in the  
122 previous month which is in excess of one-twelfth of the clerk's  
123 total budget for the performance of court-related functions to  
124 the Department of Revenue for deposit into the Clerks of the  
125 Court Trust Fund. An additional filing fee of \$4 shall be paid  
126 to the clerk. The clerk shall transfer \$3.50 to the Department  
127 of Revenue for deposit into the Court Education Trust Fund and



928418

128 shall transfer 50 cents to the Department of Revenue for deposit  
129 into the Administrative Trust Fund within the Department of  
130 Financial Services to fund clerk education provided by the  
131 Florida Clerks of Court Operations Corporation. Postal charges  
132 incurred by the clerk of the county court in making service by  
133 mail on defendants or other parties shall be paid by the party  
134 at whose instance service is made. Except as provided in this  
135 section, filing fees and service charges for performing duties  
136 of the clerk relating to the county court shall be as provided  
137 in ss. 28.24 and 28.241. Except as otherwise provided in this  
138 section, all filing fees shall be retained as fee income of the  
139 office of the clerk of the circuit court. Filing fees imposed by  
140 this section may not be added to any penalty imposed by chapter  
141 316 or chapter 318.

142 (c) A party in addition to a party described in paragraph  
143 (a) who files a pleading in an original civil action in the  
144 county court for affirmative relief by cross-claim,  
145 counterclaim, counterpetition, or third-party complaint, or who  
146 files a notice of cross-appeal or notice of joinder or motion to  
147 intervene as an appellant, cross-appellant, or petitioner, shall  
148 pay the clerk of court a fee of \$295 if the relief sought by the  
149 party under this paragraph exceeds \$2,500. The clerk shall remit  
150 the fee to the Department of Revenue for deposit into the  
151 General Revenue Fund. This fee does not apply if the cross-  
152 claim, counterclaim, counterpetition, or third-party complaint  
153 requires transfer of the case from county to circuit court.  
154 However, the party shall pay to the clerk the standard filing  
155 fee for the court to which the case is to be transferred.

156 (d) The clerk of court shall collect a service charge of



928418

157 \$10 for issuing a summons or an electronic certified copy of a  
158 summons. The clerk shall assess the fee against the party  
159 seeking to have the summons issued.

160 (e) Of the first \$200 in filing fees payable under  
161 subparagraph (a)5., \$195 must be remitted to the Department of  
162 Revenue for deposit into the State Courts Revenue Trust Fund, \$4  
163 must be remitted to the Department of Revenue for deposit into  
164 the Administrative Trust Fund within the Department of Financial  
165 Services and used to fund the contract with the Florida Clerks  
166 of Court Operations Corporation created in s. 28.35, and \$1 must  
167 be remitted to the Department of Revenue for deposit into the  
168 Administrative Trust Fund within the Department of Financial  
169 Services to fund audits of individual clerks' court-related  
170 expenditures conducted by the Department of Financial Services.  
171 By the 10th day of each month, the clerk shall submit that  
172 portion of the filing fees collected pursuant to this subsection  
173 in the previous month which is in excess of one-twelfth of the  
174 clerk's total budget to the Department of Revenue for deposit  
175 into the Clerks of the Court Trust Fund.

176  
177 ===== T I T L E A M E N D M E N T =====

178 And the title is amended as follows:

179 Delete line 46

180 and insert:

181 Legislature by a specified date; amending s. 28.241,  
182 F.S.; adjusting filing fees for appeals of certain  
183 county court cases; amending s. 34.041, F.S.;

184 adjusting county court civil filing fees based on  
185 claim values; providing for distribution of the fees;



928418

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amending s. 44.108,