

By Senator Brandes

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1 A bill to be entitled
2 An act relating to courts; creating s. 25.025, F.S.;
3 authorizing certain Supreme Court justices to have an
4 appropriate facility in their district of residence
5 designated as their official headquarters; providing
6 that an official headquarters may serve only as a
7 justice's private chambers; providing that such
8 justices are eligible for a certain subsistence
9 allowance and reimbursement for certain transportation
10 expenses; requiring that such allowance and
11 reimbursement be made to the extent appropriated funds
12 are available, as determined by the Chief Justice;
13 requiring the Chief Justice to coordinate with certain
14 persons in designating official headquarters;
15 providing that a county is not required to provide
16 space for a justice in a county courthouse;
17 authorizing counties to enter into agreements with the
18 Supreme Court for the use of county courthouse space;
19 prohibiting the Supreme Court from using state funds
20 to lease space in specified facilities to allow a
21 justice to establish an official headquarters;
22 amending s. 26.012, F.S.; revising the appellate
23 jurisdiction of the circuit courts; amending s.
24 29.008, F.S.; providing applicability and
25 construction; amending s. 30.15, F.S.; requiring
26 sheriffs to coordinate with the board of county
27 commissioners and the chief judge of the circuit on a
28 comprehensive plan for the provision of security for
29 trial court facilities; requiring sheriffs to retain

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operational control over how they provide security for such facilities; specifying that the chief judge retains certain decisionmaking authority; specifying that sheriffs and their deputies, employees, and contractors are officers of the court when providing security for trial court facilities; amending s. 34.01, F.S.; increasing the limit on the amount in controversy in certain actions at law under which the county court has original jurisdiction, beginning on a specified date; specifying that certain actions relating to damages or losses covered by insurance policies are not within the jurisdiction of the county court; providing for adjustments to limits at specified intervals due to inflation or deflation; requiring the State Courts Administrator to make certain recommendations to the Governor and the Legislature by a specified date; amending s. 44.108, F.S.; prohibiting a filing fee from being levied on an appeal from the county court to the circuit court for a claim for more than a specified amount; amending s. 105.031, F.S.; requiring the Department of State or the supervisor of elections to refund the full amount of certain qualifying fees; conforming a cross-reference; providing effective dates.

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

Section 1. Section 25.025, Florida Statutes, is created to read:

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59 25.025 Headquarters.—

60 (1) (a) A Supreme Court justice who permanently resides
61 outside Leon County shall, if he or she so requests, have a
62 district court of appeal courthouse, a county courthouse, or
63 other appropriate facility in his or her district of residence
64 designated as his or her official headquarters pursuant to s.
65 112.061. This official headquarters may serve only as the
66 justice's private chambers.

67 (b) A justice for whom an official headquarters is
68 designated in his or her district of residence under this
69 subsection is eligible for subsistence at a rate to be
70 established by the Chief Justice for each day or partial day
71 that the justice is at the Supreme Court Building for the
72 conduct of the business of the court. In addition to the
73 subsistence allowance, a justice is eligible for reimbursement
74 for transportation expenses as provided in s. 112.061(7) for
75 travel between the justice's official headquarters and the
76 Supreme Court Building for the conduct of the business of the
77 court.

78 (c) Payment of subsistence and reimbursement for
79 transportation expenses relating to travel between a justice's
80 official headquarters and the Supreme Court Building must be
81 made to the extent that appropriated funds are available, as
82 determined by the Chief Justice.

83 (2) The Chief Justice shall coordinate with each affected
84 justice and other state and local officials as necessary to
85 implement paragraph (1) (a).

86 (3) (a) This section does not require a county to provide
87 space in a county courthouse for a justice. A county may enter

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88 into an agreement with the Supreme Court governing the use of
89 space in a county courthouse.

90 (b) The Supreme Court may not use state funds to lease
91 space in a district court of appeal courthouse, county
92 courthouse, or other facility to allow a justice to establish an
93 official headquarters pursuant to subsection (1).

94 Section 2. Effective January 1, 2020, subsections (1), (2),
95 and (4) of section 26.012, Florida Statutes, are amended to
96 read:

97 26.012 Jurisdiction of circuit court.-

98 (1) (a) The appellate jurisdiction of the circuit courts
99 includes: ~~Circuit courts shall have jurisdiction of~~

100 1. Appeals from county court orders or judgments in actions
101 at law within the jurisdiction of the county court under s.
102 34.01(1)(c).

103 2. Appeals from county court orders or judgments in
104 misdemeanor cases.

105 3. Appeals from county court orders or judgments relating
106 to family law matters and other matters within the jurisdiction
107 of the county court under s. 34.01(2).

108 4. Appeals from final administrative orders of local
109 government code enforcement boards.

110 (b) The appellate jurisdiction of the circuit courts does
111 not include ~~courts except~~ appeals of county court orders or
112 judgments that:

113 1. Declare ~~declaring~~ invalid a state statute or a provision
114 of the State Constitution. ~~and except orders or judgments of a~~
115 county court which

116 2. Are certified by the county court to the district court

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117 of appeal to be of great public importance and that ~~which~~ are
118 accepted by the district court of appeal for review. ~~Circuit~~
119 ~~courts shall have jurisdiction of appeals from final~~
120 ~~administrative orders of local government code enforcement~~
121 ~~boards.~~

122 (2) Circuit courts ~~They shall~~ have exclusive original
123 jurisdiction:

124 (a) In all actions at law not cognizable by the county
125 courts;

126 (b) Of proceedings relating to the settlement of the
127 estates of decedents and minors, the granting of letters
128 testamentary, guardianship, involuntary hospitalization, the
129 determination of incompetency, and other jurisdiction usually
130 pertaining to courts of probate;

131 (c) In all cases in equity including all cases relating to
132 juveniles except traffic offenses as provided in chapters 316
133 and 985;

134 (d) Of all felonies and of all misdemeanors arising out of
135 the same circumstances as a felony which is also charged;

136 (e) In all cases involving legality of any tax assessment
137 or toll or denial of refund, except as provided in s. 72.011;

138 (f) In actions of ejectment; and

139 (g) In all actions involving the title and boundaries of
140 real property.

141 (4) The chief judge of a circuit may authorize a county
142 court judge to order emergency hospitalizations pursuant to part
143 I of chapter 394 in the absence from the county of the circuit
144 judge; and the county court judge has ~~shall have~~ the power to
145 issue all temporary orders and temporary injunctions necessary

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146 or proper to the complete exercise of such jurisdiction.

147 Section 3. Subsection (1) of section 29.008, Florida
148 Statutes, is amended to read:

149 29.008 County funding of court-related functions.—

150 (1) Counties are required by s. 14, Art. V of the State
151 Constitution to fund the cost of communications services,
152 existing radio systems, existing multiagency criminal justice
153 information systems, and the cost of construction or lease,
154 maintenance, utilities, and security of facilities for the
155 circuit and county courts, public defenders' offices, state
156 attorneys' offices, guardian ad litem offices, and the offices
157 of the clerks of the circuit and county courts performing court-
158 related functions. For purposes of this section, the term
159 "circuit and county courts" includes the offices and staffing of
160 the guardian ad litem programs, and the term "public defenders'
161 offices" includes the offices of criminal conflict and civil
162 regional counsel. The county designated under s. 35.05(1) as the
163 headquarters for each appellate district shall fund these costs
164 for the appellate division of the public defender's office in
165 that county. For purposes of implementing these requirements,
166 the term:

167 (a) "Facility" means reasonable and necessary buildings and
168 office space and appurtenant equipment and furnishings,
169 structures, real estate, easements, and related interests in
170 real estate, including, but not limited to, those for the
171 purpose of housing legal materials for use by the general public
172 and personnel, equipment, or functions of the circuit or county
173 courts, public defenders' offices, state attorneys' offices, and
174 court-related functions of the office of the clerks of the

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175 circuit and county courts and all storage. The term "facility"
176 includes all wiring necessary for court reporting services. The
177 term also includes access to parking for such facilities in
178 connection with such court-related functions that may be
179 available free or from a private provider or a local government
180 for a fee. The office space provided by a county may not be less
181 than the standards for space allotment adopted by the Department
182 of Management Services, except this requirement applies only to
183 facilities that are leased, or on which construction commences,
184 after June 30, 2003. County funding must include physical
185 modifications and improvements to all facilities as are required
186 for compliance with the Americans with Disabilities Act. Upon
187 mutual agreement of a county and the affected entity in this
188 paragraph, the office space provided by the county may vary from
189 the standards for space allotment adopted by the Department of
190 Management Services.

191 1. As of July 1, 2005, equipment and furnishings shall be
192 limited to that appropriate and customary for courtrooms,
193 hearing rooms, jury facilities, and other public areas in
194 courthouses and any other facility occupied by the courts, state
195 attorneys, public defenders, guardians ad litem, and criminal
196 conflict and civil regional counsel. Court reporting equipment
197 in these areas or facilities is not a responsibility of the
198 county.

199 2. Equipment and furnishings under this paragraph in
200 existence and owned by counties on July 1, 2005, except for that
201 in the possession of the clerks, for areas other than
202 courtrooms, hearing rooms, jury facilities, and other public
203 areas in courthouses and any other facility occupied by the

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204 courts, state attorneys, and public defenders, shall be
205 transferred to the state at no charge. This provision does not
206 apply to any communications services as defined in paragraph
207 (f).

208 (b) "Construction or lease" includes, but is not limited
209 to, all reasonable and necessary costs of the acquisition or
210 lease of facilities for all judicial officers, staff, jurors,
211 volunteers of a tenant agency, and the public for the circuit
212 and county courts, the public defenders' offices, state
213 attorneys' offices, and for performing the court-related
214 functions of the offices of the clerks of the circuit and county
215 courts. This includes expenses related to financing such
216 facilities and the existing and future cost and bonded
217 indebtedness associated with placing the facilities in use.

218 (c) "Maintenance" includes, but is not limited to, all
219 reasonable and necessary costs of custodial and groundskeeping
220 services and renovation and reconstruction as needed to
221 accommodate functions for the circuit and county courts, the
222 public defenders' offices, and state attorneys' offices and for
223 performing the court-related functions of the offices of the
224 clerks of the circuit and county court and for maintaining the
225 facilities in a condition appropriate and safe for the use
226 intended.

227 (d) "Utilities" means all electricity services for light,
228 heat, and power; natural or manufactured gas services for light,
229 heat, and power; water and wastewater services and systems,
230 stormwater or runoff services and systems, sewer services and
231 systems, all costs or fees associated with these services and
232 systems, and any costs or fees associated with the mitigation of

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233 environmental impacts directly related to the facility.

234 (e) "Security" includes but is not limited to, all
235 reasonable and necessary costs of services of law enforcement
236 officers or licensed security guards and all electronic,
237 cellular, or digital monitoring and screening devices necessary
238 to ensure the safety and security of all persons visiting or
239 working in a facility; to provide for security of the facility,
240 including protection of property owned by the county or the
241 state; and for security of prisoners brought to any facility.
242 This includes bailiffs while providing courtroom and other
243 security for each judge and other quasi-judicial officers.

244 (f) "Communications services" are defined as any reasonable
245 and necessary transmission, emission, and reception of signs,
246 signals, writings, images, and sounds of intelligence of any
247 nature by wire, radio, optical, audio equipment, or other
248 electromagnetic systems and includes all facilities and
249 equipment owned, leased, or used by judges, clerks, public
250 defenders, state attorneys, guardians ad litem, criminal
251 conflict and civil regional counsel, and all staff of the state
252 courts system, state attorneys' offices, public defenders'
253 offices, and clerks of the circuit and county courts performing
254 court-related functions. Such system or services shall include,
255 but not be limited to:

256 1. Telephone system infrastructure, including computer
257 lines, telephone switching equipment, and maintenance, and
258 facsimile equipment, wireless communications, cellular
259 telephones, pagers, and video teleconferencing equipment and
260 line charges. Each county shall continue to provide access to a
261 local carrier for local and long distance service and shall pay

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262 toll charges for local and long distance service.

263 2. All computer networks, systems and equipment, including
264 computer hardware and software, modems, printers, wiring,
265 network connections, maintenance, support staff or services
266 including any county-funded support staff located in the offices
267 of the circuit court, county courts, state attorneys, public
268 defenders, guardians ad litem, and criminal conflict and civil
269 regional counsel; training, supplies, and line charges necessary
270 for an integrated computer system to support the operations and
271 management of the state courts system, the offices of the public
272 defenders, the offices of the state attorneys, the guardian ad
273 litem offices, the offices of criminal conflict and civil
274 regional counsel, and the offices of the clerks of the circuit
275 and county courts; and the capability to connect those entities
276 and reporting data to the state as required for the transmission
277 of revenue, performance accountability, case management, data
278 collection, budgeting, and auditing purposes. The integrated
279 computer system shall be operational by July 1, 2006, and, at a
280 minimum, permit the exchange of financial, performance
281 accountability, case management, case disposition, and other
282 data across multiple state and county information systems
283 involving multiple users at both the state level and within each
284 judicial circuit and be able to electronically exchange judicial
285 case background data, sentencing scoresheets, and video evidence
286 information stored in integrated case management systems over
287 secure networks. Once the integrated system becomes operational,
288 counties may reject requests to purchase communications services
289 included in this subparagraph not in compliance with standards,
290 protocols, or processes adopted by the board established

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291 pursuant to former s. 29.0086.

292 3. Courier messenger and subpoena services.

293 4. Auxiliary aids and services for qualified individuals
294 with a disability which are necessary to ensure access to the
295 courts. Such auxiliary aids and services include, but are not
296 limited to, sign language interpretation services required under
297 the federal Americans with Disabilities Act other than services
298 required to satisfy due-process requirements and identified as a
299 state funding responsibility pursuant to ss. 29.004, 29.005,
300 29.006, and 29.007, real-time transcription services for
301 individuals who are hearing impaired, and assistive listening
302 devices and the equipment necessary to implement such
303 accommodations.

304 (g) "Existing radio systems" includes, but is not limited
305 to, law enforcement radio systems that are used by the circuit
306 and county courts, the offices of the public defenders, the
307 offices of the state attorneys, and for court-related functions
308 of the offices of the clerks of the circuit and county courts.
309 This includes radio systems that were operational or under
310 contract at the time Revision No. 7, 1998, to Art. V of the
311 State Constitution was adopted and any enhancements made
312 thereafter, the maintenance of those systems, and the personnel
313 and supplies necessary for operation.

314 (h) "Existing multiagency criminal justice information
315 systems" includes, but is not limited to, those components of
316 the multiagency criminal justice information system as defined
317 in s. 943.045, supporting the offices of the circuit or county
318 courts, the public defenders' offices, the state attorneys'
319 offices, or those portions of the offices of the clerks of the

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320 circuit and county courts performing court-related functions
321 that are used to carry out the court-related activities of those
322 entities. This includes upgrades and maintenance of the current
323 equipment, maintenance and upgrades of supporting technology
324 infrastructure and associated staff, and services and expenses
325 to assure continued information sharing and reporting of
326 information to the state. The counties shall also provide
327 additional information technology services, hardware, and
328 software as needed for new judges and staff of the state courts
329 system, state attorneys' offices, public defenders' offices,
330 guardian ad litem offices, and the offices of the clerks of the
331 circuit and county courts performing court-related functions.

332
333 This subsection applies only to matters relating to court
334 funding and may not be construed to enhance, limit, or define
335 the authority of any court.

336 Section 4. Subsection (4) is added to section 30.15,
337 Florida Statutes, to read:

338 30.15 Powers, duties, and obligations.—

339 (4) (a) In accordance with each county's obligation under s.
340 14, Art. V of the State Constitution and s. 29.008 to fund
341 security for trial court facilities, the sheriff of each county
342 shall coordinate with the board of county commissioners of that
343 county and the chief judge of the circuit in which that county
344 is located on the development of a comprehensive plan for the
345 provision of security for trial court facilities. Each sheriff
346 shall retain authority over the operational control and
347 provision of law enforcement services associated with the plan.
348 The chief judge of the circuit shall retain decisionmaking

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349 authority to ensure the protection of due process rights,
350 including, but not limited to, the scheduling and conduct of
351 trial and other judicial proceedings, as part of his or her
352 responsibility for the administrative supervision of trial
353 courts under s. 43.26.

354 (b) Sheriffs and their deputies, employees, and contractors
355 are officers of the court when providing security for trial
356 court facilities under this subsection.

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

359 34.01 Jurisdiction of county court.—

360 (1) County courts shall have original jurisdiction:

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

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

364 (c) 1. Of all actions at law filed on or before December 31,
365 2019, in which the matter in controversy does not exceed the sum
366 of \$15,000, exclusive of interest, costs, and attorney
367 attorney's fees, except those within the exclusive jurisdiction
368 of the circuit courts.~~†~~ and

369 2. Of all actions at law filed on or after January 1, 2020,
370 in which the matter in controversy does not exceed the sum of
371 \$50,000, exclusive of interest, costs, and attorney fees,
372 except:

373 a. Actions within the exclusive jurisdiction of the circuit
374 courts; and

375 b. Actions relating to damages or losses covered by an
376 insurance policy, including coverage disputes, which are filed
377 on or after January 1, 2020, and in which the matter in

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378 controversy does not exceed the sum of \$25,000, exclusive of
379 interest, costs, and attorney fees.

380

381 The limits in subparagraph 2. must be adjusted every 10 years
382 after January 1, 2020, to reflect the rate of inflation or
383 deflation as indicated in the Consumer Price Index for All Urban
384 Consumers, U.S. City Average, All Items, or successor reports as
385 reported by the United States Department of Labor, Bureau of
386 Labor Statistics, or its successor. Such adjustments must be
387 rounded to the nearest \$5,000.

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

391

392 By March 1, 2021, the State Courts Administrator shall make
393 recommendations regarding the adjustment of county court
394 jurisdiction to the Governor, the President of the Senate, and
395 the Speaker of the House of Representatives. The recommendation
396 must include an analysis of workflow, timely access to court by
397 litigants, and any resulting fiscal impact to the state as a
398 result of adjusted jurisdictional limits.

399 Section 6. Subsection (1) of section 44.108, Florida
400 Statutes, is amended to read:

401 44.108 Funding of mediation and arbitration.—

402 (1) Mediation and arbitration should be accessible to all
403 parties regardless of financial status. A filing fee of \$1 is
404 levied on all proceedings in the circuit or county courts to
405 fund mediation and arbitration services which are the
406 responsibility of the Supreme Court pursuant to ~~the provisions~~

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407 ~~of~~ s. 44.106. However, the filing fee may not be levied on an
408 appeal from the county court to the circuit court for a claim of
409 more than \$15,000. The clerk of the court shall forward the
410 moneys collected to the Department of Revenue for deposit in the
411 State Courts Revenue Trust Fund.

412 Section 7. Effective upon this act becoming a law,
413 subsections (3) and (5) of section 105.031, Florida Statutes,
414 are amended to read:

415 105.031 Qualification; filing fee; candidate's oath; items
416 required to be filed.-

417 (3) QUALIFYING FEE.-

418 (a) Each candidate qualifying for election to a judicial
419 office or the office of school board member, except write-in
420 judicial or school board candidates, shall, during the time for
421 qualifying, pay to the officer with whom he or she qualifies a
422 qualifying fee, which shall consist of a filing fee and an
423 election assessment, or qualify by the petition process. The
424 amount of the filing fee is 3 percent of the annual salary of
425 the office sought. The amount of the election assessment is 1
426 percent of the annual salary of the office sought. Except as
427 otherwise required by paragraph (b), the Department of State
428 shall transfer all filing fees to the Department of Legal
429 Affairs for deposit in the Elections Commission Trust Fund and-
430 the supervisor of elections shall forward all filing fees to the
431 Elections Commission Trust Fund. The election assessment shall
432 be deposited into the Elections Commission Trust Fund. The
433 annual salary of the office for purposes of computing the
434 qualifying fee shall be computed by multiplying 12 times the
435 monthly salary authorized for such office as of July 1

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436 immediately preceding the first day of qualifying. This
437 paragraph subsection does not apply to candidates qualifying for
438 retention to judicial office.

439 (b) Not later than 20 days after the close of qualifying,
440 the Department of State or the supervisor of elections, as
441 appropriate, shall refund the full amount of the qualifying fee
442 to a candidate for the office of circuit court judge or county
443 court judge who is unopposed at the time the qualifying period
444 closes.

445 (5) ITEMS REQUIRED TO BE FILED.—

446 (a) In order for a candidate for judicial office or the
447 office of school board member to be qualified, the following
448 items must be received by the filing officer by the end of the
449 qualifying period:

450 1. Except for candidates for retention to judicial office,
451 a properly executed check drawn upon the candidate's campaign
452 account in an amount not less than the fee required by paragraph
453 (3) (a) subsection (3) or, in lieu thereof, the copy of the
454 notice of obtaining ballot position pursuant to s. 105.035. If a
455 candidate's check is returned by the bank for any reason, the
456 filing officer shall immediately notify the candidate and the
457 candidate shall, the end of qualifying notwithstanding, have 48
458 hours from the time such notification is received, excluding
459 Saturdays, Sundays, and legal holidays, to pay the fee with a
460 cashier's check purchased from funds of the campaign account.
461 Failure to pay the fee as provided in this subparagraph shall
462 disqualify the candidate.

463 2. The candidate's oath required by subsection (4), which
464 must contain the name of the candidate as it is to appear on the

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465 ballot; the office sought, including the district or group
 466 number if applicable; and the signature of the candidate, duly
 467 acknowledged.

468 3. The loyalty oath required by s. 876.05, signed by the
 469 candidate and duly acknowledged.

470 4. The completed form for the appointment of campaign
 471 treasurer and designation of campaign depository, as required by
 472 s. 106.021. In addition, each candidate for judicial office,
 473 including an incumbent judge, shall file a statement with the
 474 qualifying officer, within 10 days after filing the appointment
 475 of campaign treasurer and designation of campaign depository,
 476 stating that the candidate has read and understands the
 477 requirements of the Florida Code of Judicial Conduct. Such
 478 statement shall be in substantially the following form:

479
 480 Statement of Candidate for Judicial Office

481
 482 I, ...(name of candidate)..., a judicial candidate, have
 483 received, read, and understand the requirements of the Florida
 484 Code of Judicial Conduct.

485 ... (Signature of candidate)...

486 ... (Date)...

487
 488 5. The full and public disclosure of financial interests
 489 required by s. 8, Art. II of the State Constitution or the
 490 statement of financial interests required by s. 112.3145,
 491 whichever is applicable. A public officer who has filed the full
 492 and public disclosure or statement of financial interests with
 493 the Commission on Ethics or the supervisor of elections prior to

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494 qualifying for office may file a copy of that disclosure at the
495 time of qualifying.

496 Section 8. Except as otherwise expressly provided in this
497 act and except for this section, which shall take effect upon
498 becoming a law, this act shall take effect October 1, 2019.