

By the Committees on Infrastructure and Security; and Judiciary;
and Senator Brandes

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1 A bill to be entitled
2 An act relating to courts; amending s. 28.241, F.S.;
3 requiring specified filing fees for appeals from
4 certain county courts; amending s. 34.01, F.S.;
5 increasing the jurisdictional limit for actions at law
6 by county courts on specified dates; requiring the
7 State Courts Administrator to submit a report
8 containing certain recommendations and reviews to the
9 Governor and the Legislature by a specified date;
10 amending s. 34.041, F.S.; providing county court civil
11 filing fees for claims of specified values; providing
12 for distribution of the fees; amending s. 44.108,
13 F.S.; prohibiting the levy of certain fees for
14 mediation and arbitration services in certain cases;
15 creating s. 45.21, F.S., authorizing certain
16 defendants to demand that a court issue a ruling
17 related to proper court venue; authorizing a court to
18 transfer certain civil cases if specified criteria are
19 met; providing applicability; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (2) of section 28.241, Florida
25 Statutes, is amended to read:

26 28.241 Filing fees for trial and appellate proceedings.—
27 (2) (a) Upon the institution of any appellate proceeding
28 from any lower court to the circuit court of any such county,
29 including appeals filed by a county or municipality as provided

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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:

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

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59 (b) Of all violations of municipal and county ordinances.7

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 June 30, 2019, the sum of \$15,000.

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

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

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

72
73 By March 1, 2021, the State Courts Administrator shall submit a
74 report to the Governor, the President of the Senate, and the
75 Speaker of the House of Representatives. The report must make
76 recommendations regarding the adjustment of county court
77 jurisdiction, including, but not limited to, an analysis of
78 workflow, timely access to court by litigants, and any resulting
79 fiscal impact to the state as a result of adjusted
80 jurisdictional limits. The report must also include a review of
81 fees to ensure that the court system is adequately funded and a
82 review of the appellate jurisdiction of the district courts and
83 the circuit courts.

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

87 34.041 Filing fees.—

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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.
- 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.

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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. ~~subparagraph (a)7.~~ shall be deposited
120 in the State Courts Revenue Trust Fund. By the 10th day of each
121 month, the clerk shall submit that portion of the fees collected
122 in the previous month which is in excess of one-twelfth of the
123 clerk's total budget for the performance of court-related
124 functions to the Department of Revenue for deposit into the
125 Clerks of the Court Trust Fund. An additional filing fee of \$4
126 shall be paid to the clerk. The clerk shall transfer \$3.50 to
127 the Department of Revenue for deposit into the Court Education
128 Trust Fund and shall transfer 50 cents to the Department of
129 Revenue for deposit into the Administrative Trust Fund within
130 the Department of Financial Services to fund clerk education
131 provided by the Florida Clerks of Court Operations Corporation.
132 Postal charges incurred by the clerk of the county court in
133 making service by mail on defendants or other parties shall be
134 paid by the party at whose instance service is made. Except as
135 provided in this section, filing fees and service charges for
136 performing duties of the clerk relating to the county court
137 shall be as provided in ss. 28.24 and 28.241. Except as
138 otherwise provided in this section, all filing fees shall be
139 retained as fee income of the office of the clerk of the circuit
140 court. Filing fees imposed by this section may not be added to
141 any penalty imposed by chapter 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

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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 but is not more than
150 \$15,000 and \$395 if the relief sought by the party under this
151 paragraph exceeds \$15,000. The clerk shall remit the fee if the
152 relief sought by the party under this paragraph exceeds \$2,500
153 but is not more than \$15,000 to the Department of Revenue for
154 deposit into the General Revenue Fund. This fee does not apply
155 if the cross-claim, counterclaim, counterpetition, or third-
156 party complaint requires transfer of the case from county to
157 circuit court. However, the party shall pay to the clerk the
158 standard filing fee for the court to which the case is to be
159 transferred.

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

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175 into the Clerks of the Court Trust Fund.

176 Section 4. Section 44.108, Florida Statutes, is amended to
177 read:

178 44.108 Funding of mediation and arbitration.—

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

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

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

196 (b) Sixty dollars per person per scheduled session in
197 family mediation when the parties' combined income is less than
198 \$50,000; or

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

202
203 No mediation fees shall be assessed under this subsection in

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

220 Section 5. Section 45.21, Florida Statutes, is created to
221 read:

222 45.21 Reasonableness of amount in controversy; procedures.-

223 (1) In any civil action in which the court's jurisdiction
224 is dependent on the amount in controversy, the defendant may, as
225 a matter of right, demand proof of the reasonableness of the
226 amount in controversy within 30 days after the complaint is
227 filed. The defendant need not offer any evidence or argument to
228 support the demand.

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

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

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233 whether the amount in controversy as alleged in the complaint is
234 reasonable.

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

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

241 Section 6. The amendments to the jurisdiction of a court
242 made by this act shall apply with respect to the date of filing
243 the cause of action, regardless of when the cause of action
244 accrued.

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