



197684

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/RS/2R

.

05/02/2019 10:15 AM

.

.

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 26.012, Florida
Statutes, is amended to read:

26.012 Jurisdiction of circuit court.-

(1) Circuit courts shall have jurisdiction of appeals from
county courts except:

(a) Appeals of county court orders or judgments where the
amount in controversy is greater than \$15,000. This paragraph is



197684

12 repealed on January 1, 2023.

13 (b) Appeals of county court orders or judgments declaring
14 invalid a state statute or a provision of the State
15 Constitution, ~~and except~~

16 (c) Orders or judgments of a county court which are
17 certified by the county court to the district court of appeal to
18 be of great public importance and which are accepted by the
19 district court of appeal for review.

20
21 Circuit courts shall have jurisdiction of appeals from final
22 administrative orders of local government code enforcement
23 boards.

24 Section 2. Effective January 1, 2022, subsection (2) of
25 section 28.241, Florida 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
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 \$270 of each filing fee collected under



197684

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 3. 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. ~~†~~

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.



197684

70 3. If filed on or after January 1, 2023, 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 February 1, 2021, the Office of the State Courts
77 Administrator shall submit a report to the Governor, the
78 President of the Senate, and the Speaker of the House of
79 Representatives. The report must make recommendations regarding
80 the adjustment of county court jurisdiction, including, but not
81 limited to, consideration of the claim value of filings in
82 county court and circuit court, case events, timeliness in
83 processing cases, and any fiscal impact to the state as a result
84 of adjusted jurisdictional limits. The clerks of the circuit
85 court and county court shall provide claim value data and
86 necessary case event data to the office to be used in
87 development of the report. The report must also include a review
88 of fees to ensure that the court system is adequately funded and
89 a review of the appellate jurisdiction of the district courts
90 and the circuit courts, including the use of appellate panels by
91 circuit courts.

92 Section 4. Paragraphs (a), (b), and (c) of subsection (1)
93 of section 34.041, Florida Statutes, are amended, and paragraph
94 (e) is added to that subsection, to read:

95 34.041 Filing fees.—

96 (1)(a) Filing fees are due at the time a party files a
97 pleading to initiate a proceeding or files a pleading for
98 relief. Reopen fees are due at the time a party files a pleading



197684

99 to reopen a proceeding if at least 90 days have elapsed since
100 the filing of a final order or final judgment with the clerk. If
101 a fee is not paid upon the filing of the pleading as required
102 under this section, the clerk shall pursue collection of the fee
103 pursuant to s. 28.246. Upon the institution of any civil action,
104 suit, or proceeding in county court, the party shall pay the
105 following filing fee, not to exceed:

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

107 2. For all claims of \$100 or more but not more than
108 \$500.....\$75.

109 3. For all claims of more than \$500 but not more than
110 \$2,500.....\$170.

111 4. For all claims of more than \$2,500 but not more than
112 \$15,000.....\$295.

113 5. For all claims more than \$15,000.....\$395.

114 6.5- In addition, for all proceedings of garnishment,
115 attachment, replevin, and distress.....\$85.

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

120 8.7- For removal of tenant action.....\$180.

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

125 (b) The first \$15 of the filing fee collected under
126 subparagraph (a)4. and the first \$10 of the filing fee collected
127 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited



128 in the State Courts Revenue Trust Fund. By the 10th day of each
129 month, the clerk shall submit that portion of the fees collected
130 in the previous month which is in excess of one-twelfth of the
131 clerk's total budget for the performance of court-related
132 functions to the Department of Revenue for deposit into the
133 Clerks of the Court Trust Fund. An additional filing fee of \$4
134 shall be paid to the clerk. The clerk shall transfer \$3.50 to
135 the Department of Revenue for deposit into the Court Education
136 Trust Fund and shall transfer 50 cents to the Department of
137 Revenue for deposit into the Administrative Trust Fund within
138 the Department of Financial Services to fund clerk education
139 provided by the Florida Clerks of Court Operations Corporation.
140 Postal charges incurred by the clerk of the county court in
141 making service by mail on defendants or other parties shall be
142 paid by the party at whose instance service is made. Except as
143 provided in this section, filing fees and service charges for
144 performing duties of the clerk relating to the county court
145 shall be as provided in ss. 28.24 and 28.241. Except as
146 otherwise provided in this section, all filing fees shall be
147 retained as fee income of the office of the clerk of the circuit
148 court. Filing fees imposed by this section may not be added to
149 any penalty imposed by chapter 316 or chapter 318.

150 (c) A party in addition to a party described in paragraph
151 (a) who files a pleading in an original civil action in the
152 county court for affirmative relief by cross-claim,
153 counterclaim, counterpetition, or third-party complaint, or who
154 files a notice of cross-appeal or notice of joinder or motion to
155 intervene as an appellant, cross-appellant, or petitioner, shall
156 pay the clerk of court a fee of \$295 if the relief sought by the



197684

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

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

184 Section 5. Effective January 1, 2022, section 44.108,
185 Florida Statutes, is amended to read:



197684

186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214

44.108 Funding of mediation and arbitration.—
(1) Mediation and arbitration should be accessible to all parties regardless of financial status. A filing fee of \$1 is levied on all proceedings in the circuit or county courts to fund mediation and arbitration services which are the responsibility of the Supreme Court pursuant to the provisions of s. 44.106. However, the filing fee may not be levied upon an appeal from the county court to the circuit court for a claim that is greater than \$15,000. The clerk of the court shall forward the moneys collected to the Department of Revenue for deposit in the State Courts Revenue Trust Fund.
(2) When court-ordered mediation services are provided by a circuit court's mediation program, the following fees, unless otherwise established in the General Appropriations Act, shall be collected by the clerk of court:
(a) One-hundred twenty dollars per person per scheduled session in family mediation when the parties' combined income is greater than \$50,000, but less than \$100,000 per year;
(b) Sixty dollars per person per scheduled session in family mediation when the parties' combined income is less than \$50,000; or
(c) Sixty dollars per person per scheduled session in county court cases involving an amount in controversy not exceeding \$15,000.
No mediation fees shall be assessed under this subsection in residential eviction cases, against a party found to be indigent, or for any small claims action. Fees collected by the clerk of court pursuant to this section shall be remitted to the



215 Department of Revenue for deposit into the State Courts Revenue
216 Trust Fund to fund court-ordered mediation. The clerk of court
217 may deduct \$1 per fee assessment for processing this fee. The
218 clerk of the court shall submit to the chief judge of the
219 circuit and to the Office of the State Courts Administrator, no
220 later than 30 days after the end of each quarter of the fiscal
221 year, a report specifying the amount of funds collected and
222 remitted to the State Courts Revenue Trust Fund under this
223 section and any other section during the previous quarter of the
224 fiscal year. In addition to identifying the total aggregate
225 collections and remissions from all statutory sources, the
226 report must identify collections and remissions by each
227 statutory source.

228 Section 6. The amendments to the jurisdiction of a court
229 made by this act shall apply with respect to the date of filing
230 the cause of action, regardless of when the cause of action
231 accrued.

232 Section 7. Except as otherwise expressly provided in this
233 act, this act shall take effect January 1, 2020.

234
235 ===== T I T L E A M E N D M E N T =====

236 And the title is amended as follows:

237 Delete everything before the enacting clause
238 and insert:

239 A bill to be entitled
240 An act relating to courts; amending s. 26.012, F.S.;
241 revising the appellate jurisdiction of circuit courts;
242 providing for future repeal; amending s. 28.241, F.S.;
243 requiring specified filing fees for appeals from



197684

244 certain county courts; amending s. 34.01, F.S.;

245 increasing the jurisdictional limit for actions at law

246 by county courts on specified dates; requiring the

247 State Courts Administrator to submit a report

248 containing certain recommendations and reviews to the

249 Governor and the Legislature by a specified date;

250 amending s. 34.041, F.S.; providing county court civil

251 filing fees for claims of specified values; providing

252 for distribution of the fees; amending s. 44.108,

253 F.S.; prohibiting the levy of certain fees for

254 mediation and arbitration services in certain cases;

255 providing applicability; providing effective dates.