

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Leek offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

25.025 Headquarters.-

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

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17 (b) A justice for whom an official headquarters is
18 designated in his or her district of residence under this
19 subsection is eligible for subsistence at a rate to be
20 established by the Chief Justice for each day or partial day
21 that the justice is at the Supreme Court Building for the
22 conduct of the business of the court. In addition to the
23 subsistence allowance, a justice is eligible for reimbursement
24 for transportation expenses as provided in s. 112.061(7) for
25 travel between the justice's official headquarters and the
26 Supreme Court Building for the conduct of the business of the
27 court.

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

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

36 (3) (a) This section does not require a county to provide
37 space in a county courthouse for a justice. A county may enter
38 into an agreement with the Supreme Court governing the use of
39 space in a county courthouse.

40 (b) The Supreme Court may not use state funds to lease
41 space in a district court of appeal courthouse, county

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42 courthouse, or other facility to allow a justice to establish an
43 official headquarters pursuant to subsection (1).

44 Section 2. Subsection (2) of section 28.241, Florida
45 Statutes, is amended to read:

46 28.241 Filing fees for trial and appellate proceedings.—

47 (2) (a) Upon the institution of any appellate proceeding
48 from any lower court to the circuit court of any such county,
49 including appeals filed by a county or municipality as provided
50 in s. 34.041(5), or from the circuit court to an appellate court
51 of the state, the clerk shall charge and collect from the party
52 or parties instituting such appellate proceedings:

53 1. A filing fee not to exceed \$280 for filing a notice of
54 appeal from the county court to the circuit court, excluding a
55 civil case where the matter in controversy was more than
56 \$15,000. and,

57 2. A filing fee not to exceed \$400 for filing a notice of
58 appeal from the county court to the circuit court for a civil
59 case where the matter in controversy was more than \$15,000. The
60 clerk shall remit \$250 of each filing fee collected under this
61 subparagraph to the Department of Revenue for deposit into the
62 General Revenue Fund, and the clerk shall remit \$50 of each
63 filing fee to the Department of Revenue for deposit into the
64 State Courts Revenue Trust Fund to fund court operations as
65 authorized in the General Appropriations Act. The clerk shall
66 retain an accounting of each such remittance.

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

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

72 Section 3. Subsection (1) of section 34.01, Florida
73 Statutes, is amended to read:

74 34.01 Jurisdiction of county court.-

75 (1) County courts shall have original jurisdiction:

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

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

79 (c) Of all actions at law, except those within the
80 exclusive jurisdiction of the circuit courts, in which the
81 matter in controversy does not exceed ~~the sum of \$15,000,~~
82 exclusive of interest, costs, and attorney ~~attorney's~~ fees;~~†~~
83 ~~except those within the exclusive jurisdiction of the circuit~~
84 ~~courts; and~~

85 1. If filed on or before June 30, 2019, the sum of
86 \$15,000.

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

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

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

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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
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 \$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 of more than \$15,000.....\$395.
113 6. 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 claim\$125.

118 ~~8.7.~~ For removal of tenant action.....\$180.

119
120 The filing fee in subparagraph ~~7.6.~~ is the total fee due under
121 this paragraph for that type of filing, and no other filing fee
122 under this paragraph may be assessed against such a filing.

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

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140 paid by the party at whose instance service is made. Except as
141 provided in this section, filing fees and service charges for
142 performing duties of the clerk relating to the county court
143 shall be as provided in ss. 28.24 and 28.241. Except as
144 otherwise provided in this section, all filing fees shall be
145 retained as fee income of the office of the clerk of the circuit
146 court. Filing fees imposed by this section may not be added to
147 any penalty imposed by chapter 316 or chapter 318.

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

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164 standard filing fee for the court to which the case is to be
165 transferred.

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

182 Section 5. Section 44.108, Florida Statutes, is amended to
183 read:

184 44.108 Funding of mediation and arbitration.—

185 (1) Mediation and arbitration should be accessible to all
186 parties regardless of financial status. A filing fee of \$1 is
187 levied on all proceedings in the circuit or county courts to
188 fund mediation and arbitration services which are the

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189 responsibility of the Supreme Court pursuant to the provisions
190 of s. 44.106. However, the filing fee may not be levied upon an
191 appeal from the county court to the circuit court for a claim
192 that is greater than \$15,000. The clerk of the court shall
193 forward the moneys collected to the Department of Revenue for
194 deposit in the State Courts Revenue Trust Fund.

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

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

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

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

208
209 No mediation fees shall be assessed under this subsection in
210 residential eviction cases, against a party found to be
211 indigent, or for any small claims action. Fees collected by the
212 clerk of court pursuant to this section shall be remitted to the
213 Department of Revenue for deposit into the State Courts Revenue

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

226 Section 6. Section 45.21, Florida Statutes, is created to
227 read:

228 45.21 Reasonableness of amount in controversy;
229 procedures.-

230 (1) In any civil action where the court's jurisdiction is
231 dependent on the amount in controversy, the defendant may, as a
232 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:

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264 chambers; providing that such justices are eligible
265 for a certain subsistence allowance and reimbursement
266 for certain transportation expenses; requiring that
267 such allowance and reimbursement be made to the extent
268 appropriated funds are available, as determined by the
269 Chief Justice; requiring the Chief Justice to
270 coordinate with certain persons in designating
271 official headquarters; providing that a county is not
272 required to provide space for a justice in a county
273 courthouse; authorizing counties to enter into
274 agreements with the Supreme Court for the use of
275 county courthouse space; prohibiting the Supreme Court
276 from using state funds to lease space in specified
277 facilities to allow a justice to establish an official
278 headquarters; amending s. 28.241, F.S.; requiring
279 specified filing fees for appeals from certain county
280 courts; amending s. 34.01, F.S.; increasing the
281 jurisdictional limit for actions at law by county
282 courts on specified dates; amending s. 34.041, F.S.;

283 providing county court civil filing fees for claims of
284 specified values; providing for distribution of the
285 fees; amending s. 44.108, F.S.; providing that a
286 certain mediation fee is not applicable to certain
287 appeals; creating s. 45.21, F.S., authorizing certain
288 defendants to demand that a court issue a ruling

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289 | related to proper court venue; authorizing a court to
290 | transfer certain civil cases if specified criteria are
291 | met; providing applicability; providing an effective
292 | date.
293 |