

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WITHDRAWN	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: Judiciary Committee
2 Representative Leek offered the following:

Amendment (with title amendment)

Remove lines 76-285 and insert:

Section 2. Effective January 1, 2020, subsection (1) of section 26.012, Florida Statutes, is amended to read:

(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.

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

(c) Orders or judgments of a county court which are certified by the county court to the district court of appeal to

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17 | be of great public importance and which are accepted by the
18 | district court of appeal for review.

19 |
20 | Circuit courts shall have jurisdiction of appeals from final
21 | administrative orders of local government code enforcement
22 | boards.

23 | Section 3. Effective January 1, 2020, subsection (2) of
24 | section 28.241, Florida Statutes, is amended to read:

25 | 28.241 Filing fees for trial and appellate proceedings.—

26 | (2) Upon the institution of any appellate proceeding from
27 | any lower court to the circuit court of any such county,
28 | including appeals filed by a county or municipality as provided
29 | in s. 34.041(5), or from the county or circuit court to an
30 | appellate court of the state, the clerk shall charge and collect
31 | from the party or parties instituting such appellate proceedings
32 | a filing fee not to exceed \$280 for filing a notice of appeal
33 | from the county court to the circuit court and, in addition to
34 | the filing fee required under s. 25.241 or s. 35.22, \$100 for
35 | filing a notice of appeal from the county or circuit court to
36 | the district court of appeal or to the Supreme Court. If the
37 | party is determined to be indigent, the clerk shall defer
38 | payment of the fee otherwise required by this subsection.

39 | Section 4. Subsection (1) of section 34.01, Florida
40 | Statutes, is amended to read:

41 | 34.01 Jurisdiction of county court.—

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- 42 (1) County courts shall have original jurisdiction:
43 (a) In all misdemeanor cases not cognizable by the circuit
44 courts.~~†~~
45 (b) Of all violations of municipal and county ordinances.~~†~~
46 (c) Of all actions at law, except those within the
47 exclusive jurisdiction of the circuit courts, in which the
48 matter in controversy does not exceed ~~the sum of \$15,000,~~
49 exclusive of interest, costs, and attorney ~~attorney's~~ fees:†
50 ~~except those within the exclusive jurisdiction of the circuit~~
51 ~~courts; and~~
52 1. If filed on or before December 31, 2019, the sum of
53 \$15,000.
54 2. If filed on or after January 1, 2020, the sum of
55 \$30,000.
56 3. If filed on or after January 1, 2022, the sum of
57 \$50,000.
58 (d) Of disputes occurring in the homeowners' associations
59 as described in s. 720.311(2)(a), which shall be concurrent with
60 jurisdiction of the circuit courts.
61
62 By March 1, 2021, the Office of the State Courts Administrator
63 shall submit a report to the Governor, the President of the
64 Senate, and the Speaker of the House of Representatives making
65 recommendations regarding the adjustment of county court
66 jurisdiction, including, but not limited to, consideration of

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67 the claim value of filings in county court and circuit court,
68 case events, timeliness in processing cases, and any fiscal
69 impact to the state as a result of adjusted jurisdictional
70 limits. The clerks of the circuit court and county court shall
71 provide claim value data and necessary case event data to the
72 office to be used in developing the report.

73 Section 5. Effective January 1, 2020, paragraphs (a), (b),
74 and (c) of subsection (1) of section 34.041, Florida Statutes,
75 are amended, and paragraph (e) is added to that subsection, to
76 read:

77 34.041 Filing fees.—

78 (1) (a) Filing fees are due at the time a party files a
79 pleading to initiate a proceeding or files a pleading for
80 relief. Reopen fees are due at the time a party files a pleading
81 to reopen a proceeding if at least 90 days have elapsed since
82 the filing of a final order or final judgment with the clerk. If
83 a fee is not paid upon the filing of the pleading as required
84 under this section, the clerk shall pursue collection of the fee
85 pursuant to s. 28.246. Upon the institution of any civil action,
86 suit, or proceeding in county court, the party shall pay the
87 following filing fee, not to exceed:

- 88 1. For all claims less than \$100.....\$50.
89 2. For all claims of \$100 or more but not more than \$500\$75.
90 3. For all claims of more than \$500 but not more than
91 \$2,500.....\$170.

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- 92 4. For all claims of more than \$2,500 but not more than
- 93 \$15,000.....\$295.
- 94 5. For all claims of more than \$15,000.....\$395.
- 95 6. In addition, for all proceedings of garnishment,
- 96 attachment, replevin, and distress.....\$85.
- 97 ~~7.6.~~ Notwithstanding subparagraphs 3. and 6. 5., for all
- 98 claims of not more than \$1,000 filed simultaneously with an
- 99 action for replevin of property that is the subject of the claim\$125.
- 100 ~~8.7.~~ For removal of tenant action.....\$180.

101

102 The filing fee in subparagraph ~~7.6.~~ is the total fee due under

103 this paragraph for that type of filing, and no other filing fee

104 under this paragraph may be assessed against such a filing.

105 (b) The first \$15 of the filing fee collected under

106 subparagraph (a)4. and the first \$10 of the filing fee collected

107 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited

108 in the State Courts Revenue Trust Fund. By the 10th day of each

109 month, the clerk shall submit that portion of the fees collected

110 in the previous month which is in excess of one-twelfth of the

111 clerk's total budget for the performance of court-related

112 functions to the Department of Revenue for deposit into the

113 Clerks of the Court Trust Fund. An additional filing fee of \$4

114 shall be paid to the clerk. The clerk shall transfer \$3.50 to

115 the Department of Revenue for deposit into the Court Education

116 Trust Fund and shall transfer 50 cents to the Department of

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117 Revenue for deposit into the Administrative Trust Fund within
118 the Department of Financial Services to fund clerk education
119 provided by the Florida Clerks of Court Operations Corporation.
120 Postal charges incurred by the clerk of the county court in
121 making service by mail on defendants or other parties shall be
122 paid by the party at whose instance service is made. Except as
123 provided in this section, filing fees and service charges for
124 performing duties of the clerk relating to the county court
125 shall be as provided in ss. 28.24 and 28.241. Except as
126 otherwise provided in this section, all filing fees shall be
127 retained as fee income of the office of the clerk of the circuit
128 court. Filing fees imposed by this section may not be added to
129 any penalty imposed by chapter 316 or chapter 318.

130 (c) A party in addition to a party described in paragraph
131 (a) who files a pleading in an original civil action in the
132 county court for affirmative relief by cross-claim,
133 counterclaim, counterpetition, or third-party complaint, or who
134 files a notice of cross-appeal or notice of joinder or motion to
135 intervene as an appellant, cross-appellant, or petitioner, shall
136 pay the clerk of court a fee of \$295 if the relief sought by the
137 party under this paragraph exceeds \$2,500 but is not more than
138 \$15,000 and \$395 if the relief sought by the party under this
139 paragraph exceeds \$15,000. The clerk shall remit the fee if the
140 relief sought by the party under this paragraph exceeds \$2,500
141 but is not more than \$15,000 to the Department of Revenue for

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142 deposit into the General Revenue Fund. This fee does not apply
143 if the cross-claim, counterclaim, counterpetition, or third-
144 party complaint requires transfer of the case from county to
145 circuit court. However, the party shall pay to the clerk the
146 standard filing fee for the court to which the case is to be
147 transferred.

148 (e) Of the first \$200 in filing fees payable under
149 subparagraph (a)5., \$195 must be remitted to the Department of
150 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
151 must be remitted to the Department of Revenue for deposit into
152 the Administrative Trust Fund within the Department of Financial
153 Services and used to fund the contract with the Florida Clerks
154 of Court Operations Corporation created in s. 28.35, and \$1 must
155 be remitted to the Department of Revenue for deposit into the
156 Administrative Trust Fund within the Department of Financial
157 Services to fund audits of individual clerks' court-related
158 expenditures conducted by the Department of Financial Services.
159 By the 10th day of each month, the clerk shall submit that
160 portion of the filing fees collected pursuant to this subsection
161 in the previous month which is in excess of one-twelfth of the
162 clerk's total budget to the Department of Revenue for deposit
163 into the Clerks of the Court Trust Fund.

164 Section 6. Effective January 1, 2020, paragraph (2)(c) of
165 section 44.108, Florida Statutes, is amended to read:

166 44.108 Funding of mediation and arbitration.—

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

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

174
175 No mediation fees shall be assessed under this subsection in
176 residential eviction cases, against a party found to be
177 indigent, or for any small claims action. Fees collected by the
178 clerk of court pursuant to this section shall be remitted to the
179 Department of Revenue for deposit into the State Courts Revenue
180 Trust Fund to fund court-ordered mediation. The clerk of court
181 may deduct \$1 per fee assessment for processing this fee. The
182 clerk of the court shall submit to the chief judge of the
183 circuit and to the Office of the State Courts Administrator, no
184 later than 30 days after the end of each quarter of the fiscal
185 year, a report specifying the amount of funds collected and
186 remitted to the State Courts Revenue Trust Fund under this
187 section and any other section during the previous quarter of the
188 fiscal year. In addition to identifying the total aggregate
189 collections and remissions from all statutory sources, the
190 report must identify collections and remissions by each
191 statutory source.

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192 Section 7. Section 45.21, Florida Statutes, is created to
193 read:

194 45.21 Reasonableness of amount in controversy;
195 procedures.-

196 (1) In any civil action in which the court's jurisdiction
197 is dependent on the amount in controversy, the defendant may
198 demand proof of the reasonableness of the amount in controversy
199 within 30 days after the complaint is filed. The defendant need
200 not offer any evidence or argument to support the demand.

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

204 (a) The court must promptly hold a hearing to determine
205 whether the amount in controversy as alleged in the complaint is
206 reasonable.

207 (b) At the hearing, the plaintiff must demonstrate, by a
208 preponderance of the evidence, a reasonable likelihood of
209 recovering at least the amount alleged in the complaint. The
210 court may award reasonable attorney fees and costs to the
211 prevailing party on the demand.

212 (c) If the court finds that the plaintiff has not made the
213 showing as required in paragraph (b), the court must transfer
214 the matter to the appropriate court. The transferee court may
215 award a party damages in excess of the normal jurisdictional
216 amount if such amount is proven.

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217 Section 8. The amendments to the jurisdiction of a court
218 made by this act shall apply with respect to the date of filing
219 the cause of action, regardless of when the cause of action
220 accrued.

221 Section 9. Except as otherwise expressly provided in this
222 act, this act shall take effect July 1, 2019.

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T I T L E A M E N D M E N T

227

Remove lines 22-33 and insert:

228

amending s. 26.012, F.S.; providing for appellate jurisdiction

229

of circuit courts; amending s. 28.241, F.S.; requiring specified

230

filing fees for appeals from certain county courts; amending s.

231

34.01, F.S.; increasing the jurisdictional limit for actions at

232

law by county courts on specified dates; requiring the Office of

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State Courts Administrator to submit a report relating to county

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court jurisdiction; amending s. 34.041, F.S.; providing county

235

court civil filing fees for claims of specified values;

236

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

237

F.S.; prohibiting the levy of certain fees for mediation and

238

arbitration services in certain cases; creating s. 45.21, F.S.,

239

authorizing certain defendants to demand that a court issue a

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ruling related to proper court venue; providing for an award of

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attorney fees and costs; authorizing a

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