

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 when 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. 28.241, F.S.; requiring specified filing
23 fees for appeals from certain county courts; amending
24 s. 34.01, F.S.; increasing the jurisdictional limit
25 for actions at law by county courts on specified

26 | dates; amending s. 34.041, F.S.; providing county
 27 | court civil filing fees for claims of specified
 28 | values; providing for distribution of the fees;
 29 | amending s. 44.108, F.S.; prohibiting the levy of
 30 | certain fees for mediation and arbitration services in
 31 | certain cases; creating s. 45.21, F.S., authorizing
 32 | certain defendants to demand that a court issue a
 33 | ruling related to proper court venue; authorizing a
 34 | court to transfer certain civil cases if specified
 35 | criteria are met; providing applicability; providing
 36 | an effective date.

37 |

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

39 |

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

42 | 25.025 Headquarters.-

43 | (1) (a) A Supreme Court justice who permanently resides
 44 | outside Leon County shall, if he or she so requests, have a
 45 | district court of appeal courthouse, a county courthouse, or
 46 | other appropriate facility in his or her district of residence
 47 | designated as his or her official headquarters pursuant to s.
 48 | 112.061. This official headquarters may serve only as the
 49 | justice's private chambers.

50 | (b) A justice for whom an official headquarters is

51 designated in his or her district under this subsection may
52 receive a subsistence allowance at a rate established by the
53 Chief Justice for each day or partial day that the justice is at
54 the Supreme Court Building for the conduct of the business of
55 the court. In addition to the subsistence allowance, a justice
56 is eligible for reimbursement for transportation expenses as
57 provided in s. 112.061(7) for travel between the justice's
58 official headquarters and the Supreme Court Building for the
59 conduct of the business of the court.

60 (c) Payment of a subsistence allowance and reimbursement
61 for transportation expenses relating to travel between a
62 justice's official headquarters and the Supreme Court Building
63 must be made to the extent that appropriated funds are
64 available, as determined by the Chief Justice.

65 (2) The Chief Justice shall coordinate with each affected
66 justice and other state and local officials, as necessary, to
67 implement paragraph (1) (a).

68 (3) (a) A county is not required to provide space in a
69 county courthouse for a justice. A county may enter into an
70 agreement with the Supreme Court governing the use of space in a
71 county courthouse.

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

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

78 28.241 Filing fees for trial and appellate proceedings.—

79 (2)(a) Upon the institution of any appellate proceeding
 80 from any lower court to the circuit court of any such county,
 81 including appeals filed by a county or municipality as provided
 82 in s. 34.041(5), or from the circuit court to an appellate court
 83 of the state, the clerk shall charge and collect from the party
 84 or parties instituting such appellate proceedings:

85 1. A filing fee not to exceed \$280 for filing a notice of
 86 appeal from the county court to the circuit court, excluding a
 87 civil case in which the matter in controversy was more than
 88 \$15,000. and,

89 2. A filing fee not to exceed \$400 for filing a notice of
 90 appeal from the county court to the circuit court for a civil
 91 case in which the matter in controversy was more than \$15,000.
 92 The clerk shall remit \$250 of each filing fee collected under
 93 this subparagraph to the Department of Revenue for deposit into
 94 the General Revenue Fund and the clerk shall remit \$50 of each
 95 filing fee to the Department of Revenue for deposit into the
 96 State Courts Revenue Trust Fund to fund court operations as
 97 authorized in the General Appropriations Act. The clerk shall
 98 retain an accounting of each such remittance.

99 3. In addition to the filing fee required under s. 25.241
 100 or s. 35.22, \$100 for filing a notice of appeal from the circuit

101 court to the district court of appeal or to the Supreme Court.

102 (b) If the party is determined to be indigent, the clerk
103 shall defer payment of the fee otherwise required by this
104 subsection.

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

107 34.01 Jurisdiction of county court.—

108 (1) County courts shall have original jurisdiction:

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

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

112 (c) Of all actions at law, except those within the
113 exclusive jurisdiction of the circuit courts, in which the
114 matter in controversy does not exceed ~~the sum of \$15,000,~~
115 exclusive of interest, costs, and attorney attorney's fees;~~†~~
116 ~~except those within the exclusive jurisdiction of the circuit~~
117 ~~courts; and~~

118 1. If filed on or before June 30, 2019, the sum of
119 \$15,000.

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

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

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

125 Section 4. Paragraphs (a), (b), and (c) of subsection (1)

126 of section 34.041, Florida Statutes, are amended, and paragraph
 127 (e) is added to that subsection, to read:

128 34.041 Filing fees.—

129 (1) (a) Filing fees are due at the time a party files a
 130 pleading to initiate a proceeding or files a pleading for
 131 relief. Reopen fees are due at the time a party files a pleading
 132 to reopen a proceeding if at least 90 days have elapsed since
 133 the filing of a final order or final judgment with the clerk. If
 134 a fee is not paid upon the filing of the pleading as required
 135 under this section, the clerk shall pursue collection of the fee
 136 pursuant to s. 28.246. Upon the institution of any civil action,
 137 suit, or proceeding in county court, the party shall pay the
 138 following filing fee, not to exceed:

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

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

141 3. For all claims of more than \$500 but not more than
 142 \$2,500.....\$170.

143 4. For all claims of more than \$2,500 but not more than
 144 \$15,000.....\$295.

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

146 6. In addition, for all proceedings of garnishment,
 147 attachment, replevin, and distress.....\$85.

148 ~~7.6-~~ Notwithstanding subparagraphs 3. and 6. ~~5-~~, for all
 149 claims of not more than \$1,000 filed simultaneously with an
 150 action for replevin of property that is the subject of the claim\$125.

151 ~~8.7.~~ For removal of tenant action.....\$180.

152

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

156 (b) The first \$15 of the filing fee collected under
 157 subparagraph (a)4. and the first \$10 of the filing fee collected
 158 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
 159 in the State Courts Revenue Trust Fund. By the 10th day of each
 160 month, the clerk shall submit that portion of the fees collected
 161 in the previous month which is in excess of one-twelfth of the
 162 clerk's total budget for the performance of court-related
 163 functions to the Department of Revenue for deposit into the
 164 Clerks of the Court Trust Fund. An additional filing fee of \$4
 165 shall be paid to the clerk. The clerk shall transfer \$3.50 to
 166 the Department of Revenue for deposit into the Court Education
 167 Trust Fund and shall transfer 50 cents to the Department of
 168 Revenue for deposit into the Administrative Trust Fund within
 169 the Department of Financial Services to fund clerk education
 170 provided by the Florida Clerks of Court Operations Corporation.
 171 Postal charges incurred by the clerk of the county court in
 172 making service by mail on defendants or other parties shall be
 173 paid by the party at whose instance service is made. Except as
 174 provided in this section, filing fees and service charges for
 175 performing duties of the clerk relating to the county court

176 shall be as provided in ss. 28.24 and 28.241. Except as
177 otherwise provided in this section, all filing fees shall be
178 retained as fee income of the office of the clerk of the circuit
179 court. Filing fees imposed by this section may not be added to
180 any penalty imposed by chapter 316 or chapter 318.

181 (c) A party in addition to a party described in paragraph
182 (a) who files a pleading in an original civil action in the
183 county court for affirmative relief by cross-claim,
184 counterclaim, counterpetition, or third-party complaint, or who
185 files a notice of cross-appeal or notice of joinder or motion to
186 intervene as an appellant, cross-appellant, or petitioner, shall
187 pay the clerk of court a fee of \$295 if the relief sought by the
188 party under this paragraph exceeds \$2,500 but is not more than
189 \$15,000 and \$395 if the relief sought by the party under this
190 paragraph exceeds \$15,000. The clerk shall remit the fee if the
191 relief sought by the party under this paragraph exceeds \$2,500
192 but is not more than \$15,000 to the Department of Revenue for
193 deposit into the General Revenue Fund. This fee does not apply
194 if the cross-claim, counterclaim, counterpetition, or third-
195 party complaint requires transfer of the case from county to
196 circuit court. However, the party shall pay to the clerk the
197 standard filing fee for the court to which the case is to be
198 transferred.

199 (e) Of the first \$200 in filing fees payable under
200 subparagraph (a)5., \$195 must be remitted to the Department of

201 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
 202 must be remitted to the Department of Revenue for deposit into
 203 the Administrative Trust Fund within the Department of Financial
 204 Services and used to fund the contract with the Florida Clerks
 205 of Court Operations Corporation created in s. 28.35, and \$1 must
 206 be remitted to the Department of Revenue for deposit into the
 207 Administrative Trust Fund within the Department of Financial
 208 Services to fund audits of individual clerks' court-related
 209 expenditures conducted by the Department of Financial Services.
 210 By the 10th day of each month, the clerk shall submit that
 211 portion of the filing fees collected pursuant to this subsection
 212 in the previous month which is in excess of one-twelfth of the
 213 clerk's total budget to the Department of Revenue for deposit
 214 into the Clerks of the Court Trust Fund.

215 Section 5. Section 44.108, Florida Statutes, is amended to
 216 read:

217 44.108 Funding of mediation and arbitration.—

218 (1) Mediation and arbitration should be accessible to all
 219 parties regardless of financial status. A filing fee of \$1 is
 220 levied on all proceedings in the circuit or county courts to
 221 fund mediation and arbitration services which are the
 222 responsibility of the Supreme Court pursuant to the provisions
 223 of s. 44.106. However, the filing fee may not be levied upon an
 224 appeal from the county court to the circuit court for a claim
 225 that is greater than \$15,000. The clerk of the court shall

226 forward the moneys collected to the Department of Revenue for
227 deposit in the State Courts Revenue Trust Fund.

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

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

235 (b) Sixty dollars per person per scheduled session in
236 family mediation when the parties' combined income is less than
237 \$50,000; or

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

241
242 No mediation fees shall be assessed under this subsection in
243 residential eviction cases, against a party found to be
244 indigent, or for any small claims action. Fees collected by the
245 clerk of court pursuant to this section shall be remitted to the
246 Department of Revenue for deposit into the State Courts Revenue
247 Trust Fund to fund court-ordered mediation. The clerk of court
248 may deduct \$1 per fee assessment for processing this fee. The
249 clerk of the court shall submit to the chief judge of the
250 circuit and to the Office of the State Courts Administrator, no

251 later than 30 days after the end of each quarter of the fiscal
252 year, a report specifying the amount of funds collected and
253 remitted to the State Courts Revenue Trust Fund under this
254 section and any other section during the previous quarter of the
255 fiscal year. In addition to identifying the total aggregate
256 collections and remissions from all statutory sources, the
257 report must identify collections and remissions by each
258 statutory source.

259 Section 6. Section 45.21, Florida Statutes, is created to
260 read:

261 45.21 Reasonableness of amount in controversy;
262 procedures.-

263 (1) In any civil action in which the court's jurisdiction
264 is dependent on the amount in controversy, the defendant may, as
265 a matter of right, demand proof of the reasonableness of the
266 amount in controversy within 30 days after the complaint is
267 filed. The defendant need not offer any evidence or argument to
268 support the demand.

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

272 (a) The court must promptly hold a hearing to determine
273 whether the amount in controversy as alleged in the complaint is
274 reasonable.

275 (b) At the hearing, the plaintiff must demonstrate, by a

276 preponderance of the evidence, a reasonable likelihood of
277 recovering at least the amount alleged in the complaint.

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

281 Section 7. The amendments to the jurisdiction of a court
282 made by this act shall apply with respect to the date of filing
283 the cause of action, regardless of when the cause of action
284 accrued.

285 Section 8. This act shall take effect July 1, 2019.