

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. 26.012, F.S.; providing for appellate
23 jurisdiction of circuit courts; amending s. 28.241,
24 F.S.; requiring specified filing fees for appeals from
25 certain county courts; amending s. 34.01, F.S.;

26 increasing the jurisdictional limit for actions at law
 27 by county courts on specified dates; requiring the
 28 Office of State Courts Administrator to submit a
 29 report relating to county court jurisdiction; amending
 30 s. 34.041, F.S.; providing county court civil filing
 31 fees for claims of specified values; providing for
 32 distribution of the fees; amending s. 44.108, F.S.;
 33 revising the levy of certain fees for mediation and
 34 arbitration services in certain county court cases;
 35 creating s. 45.21, F.S.; authorizing certain
 36 defendants to demand that a court issue a ruling
 37 related to proper court venue; providing for an award
 38 of attorney fees and costs to the prevailing party;
 39 authorizing a court to transfer certain civil cases if
 40 specified criteria are met; providing applicability;
 41 providing effective dates.

42

43 Be It Enacted by the Legislature of the State of Florida:

44

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

47 25.025 Headquarters.—

48 (1) (a) A Supreme Court justice who permanently resides
 49 outside Leon County shall, if he or she so requests, have a
 50 district court of appeal courthouse, a county courthouse, or

51 other appropriate facility in his or her district of residence
52 designated as his or her official headquarters pursuant to s.
53 112.061. This official headquarters may serve only as the
54 justice's private chambers.

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

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

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

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

76 | county courthouse.

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

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

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

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

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

90 | (c) Orders or judgments of a county court which are
 91 | certified by the county court to the district court of appeal to
 92 | be of great public importance and which are accepted by the
 93 | district court of appeal for review.

94 |
 95 | Circuit courts shall have jurisdiction of appeals from final
 96 | administrative orders of local government code enforcement
 97 | boards.

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

100 | 28.241 Filing fees for trial and appellate proceedings.—

101 (2) Upon the institution of any appellate proceeding from
 102 any lower court to the circuit court of any such county,
 103 including appeals filed by a county or municipality as provided
 104 in s. 34.041(5), or from the county or circuit court to an
 105 appellate court of the state, the clerk shall charge and collect
 106 from the party or parties instituting such appellate proceedings
 107 a filing fee not to exceed \$280 for filing a notice of appeal
 108 from the county court to the circuit court and, in addition to
 109 the filing fee required under s. 25.241 or s. 35.22, \$100 for
 110 filing a notice of appeal from the county or circuit court to
 111 the district court of appeal or to the Supreme Court. If the
 112 party is determined to be indigent, the clerk shall defer
 113 payment of the fee otherwise required by this subsection.

114 Section 4. Subsection (1) of section 34.01, Florida
 115 Statutes, is amended to read:

116 34.01 Jurisdiction of county court.—

117 (1) County courts shall have original jurisdiction:

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

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

121 (c) Of all actions at law, except those within the
 122 exclusive jurisdiction of the circuit courts, in which the
 123 matter in controversy does not exceed ~~the sum of \$15,000,~~
 124 exclusive of interest, costs, and attorney ~~attorney's~~ fees. ~~†~~
 125 ~~except those within the exclusive jurisdiction of the circuit~~

126 ~~courts; and~~

127 1. If filed on or before December 31, 2019, the sum of
128 \$15,000.

129 2. If filed on or after January 1, 2020, the sum of
130 \$30,000.

131 3. If filed on or after January 1, 2022, the sum of
132 \$50,000.

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

136
137 By March 1, 2021, the Office of the State Courts Administrator
138 shall submit a report to the Governor, the President of the
139 Senate, and the Speaker of the House of Representatives making
140 recommendations regarding the adjustment of county court
141 jurisdiction, including, but not limited to, consideration of
142 the claim value of filings in county court and circuit court,
143 case events, timeliness in processing cases, and any fiscal
144 impact to the state as a result of adjusted jurisdictional
145 limits. The clerks of the circuit court and county court shall
146 provide claim value data and necessary case event data to the
147 office to be used in developing the report.

148 Section 5. Effective January 1, 2020, paragraphs (a), (b),
149 and (c) of subsection (1) of section 34.041, Florida Statutes,
150 are amended, and paragraph (e) is added to that subsection, to

151 read:

152 34.041 Filing fees.—

153 (1) (a) Filing fees are due at the time a party files a
 154 pleading to initiate a proceeding or files a pleading for
 155 relief. Reopen fees are due at the time a party files a pleading
 156 to reopen a proceeding if at least 90 days have elapsed since
 157 the filing of a final order or final judgment with the clerk. If
 158 a fee is not paid upon the filing of the pleading as required
 159 under this section, the clerk shall pursue collection of the fee
 160 pursuant to s. 28.246. Upon the institution of any civil action,
 161 suit, or proceeding in county court, the party shall pay the
 162 following filing fee, not to exceed:

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

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

165 3. For all claims of more than \$500 but not more than
 166 \$2,500.....\$170.

167 4. For all claims of more than \$2,500 but not more than
 168 \$15,000.....\$295.

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

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

172 ~~7.6.~~ Notwithstanding subparagraphs 3. and 6. ~~5.~~, for all
 173 claims of not more than \$1,000 filed simultaneously with an
 174 action for replevin of property that is the subject of the claim\$125.

175 ~~8.7.~~ For removal of tenant action.....\$180.

176
177 The filing fee in subparagraph 7. ~~6.~~ is the total fee due under
178 this paragraph for that type of filing, and no other filing fee
179 under this paragraph may be assessed against such a filing.

180 (b) The first \$15 of the filing fee collected under
181 subparagraph (a)4. and the first \$10 of the filing fee collected
182 under subparagraph (a)8. ~~(a)7.~~ shall be deposited in the State
183 Courts Revenue Trust Fund. By the 10th day of each month, the
184 clerk shall submit that portion of the fees collected in the
185 previous month which is in excess of one-twelfth of the clerk's
186 total budget for the performance of court-related functions to
187 the Department of Revenue for deposit into the Clerks of the
188 Court Trust Fund. An additional filing fee of \$4 shall be paid
189 to the clerk. The clerk shall transfer \$3.50 to the Department
190 of Revenue for deposit into the Court Education Trust Fund and
191 shall transfer 50 cents to the Department of Revenue for deposit
192 into the Administrative Trust Fund within the Department of
193 Financial Services to fund clerk education provided by the
194 Florida Clerks of Court Operations Corporation. Postal charges
195 incurred by the clerk of the county court in making service by
196 mail on defendants or other parties shall be paid by the party
197 at whose instance service is made. Except as provided in this
198 section, filing fees and service charges for performing duties
199 of the clerk relating to the county court shall be as provided
200 in ss. 28.24 and 28.241. Except as otherwise provided in this

201 section, all filing fees shall be retained as fee income of the
202 office of the clerk of the circuit court. Filing fees imposed by
203 this section may not be added to any penalty imposed by chapter
204 316 or chapter 318.

205 (c) A party in addition to a party described in paragraph
206 (a) who files a pleading in an original civil action in the
207 county court for affirmative relief by cross-claim,
208 counterclaim, counterpetition, or third-party complaint, or who
209 files a notice of cross-appeal or notice of joinder or motion to
210 intervene as an appellant, cross-appellant, or petitioner, shall
211 pay the clerk of court a fee of \$295 if the relief sought by the
212 party under this paragraph exceeds \$2,500 but is not more than
213 \$15,000 and \$395 if the relief sought by the party under this
214 paragraph exceeds \$15,000. The clerk shall remit the fee if the
215 relief sought by the party under this paragraph exceeds \$2,500
216 but is not more than \$15,000 to the Department of Revenue for
217 deposit into the General Revenue Fund. This fee does not apply
218 if the cross-claim, counterclaim, counterpetition, or third-
219 party complaint requires transfer of the case from county to
220 circuit court. However, the party shall pay to the clerk the
221 standard filing fee for the court to which the case is to be
222 transferred.

223 (e) Of the first \$200 in filing fees payable under
224 subparagraph (a)5., \$195 must be remitted to the Department of
225 Revenue for deposit into the State Courts Revenue Trust Fund, \$4

226 must be remitted to the Department of Revenue for deposit into
 227 the Administrative Trust Fund within the Department of Financial
 228 Services and used to fund the contract with the Florida Clerks
 229 of Court Operations Corporation created in s. 28.35, and \$1 must
 230 be remitted to the Department of Revenue for deposit into the
 231 Administrative Trust Fund within the Department of Financial
 232 Services to fund audits of individual clerks' court-related
 233 expenditures conducted by the Department of Financial Services.
 234 By the 10th day of each month, the clerk shall submit that
 235 portion of the filing fees collected pursuant to this subsection
 236 in the previous month which is in excess of one-twelfth of the
 237 clerk's total budget to the Department of Revenue for deposit
 238 into the Clerks of the Court Trust Fund.

239 Section 6. Effective January 1, 2020, paragraph (c) of
 240 subsection (2) of section 44.108, Florida Statutes, is amended
 241 to read:

242 44.108 Funding of mediation and arbitration.—

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

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

250

251 No mediation fees shall be assessed under this subsection in
252 residential eviction cases, against a party found to be
253 indigent, or for any small claims action. Fees collected by the
254 clerk of court pursuant to this section shall be remitted to the
255 Department of Revenue for deposit into the State Courts Revenue
256 Trust Fund to fund court-ordered mediation. The clerk of court
257 may deduct \$1 per fee assessment for processing this fee. The
258 clerk of the court shall submit to the chief judge of the
259 circuit and to the Office of the State Courts Administrator, no
260 later than 30 days after the end of each quarter of the fiscal
261 year, a report specifying the amount of funds collected and
262 remitted to the State Courts Revenue Trust Fund under this
263 section and any other section during the previous quarter of the
264 fiscal year. In addition to identifying the total aggregate
265 collections and remissions from all statutory sources, the
266 report must identify collections and remissions by each
267 statutory source.

268 Section 7. Section 45.21, Florida Statutes, is created to
269 read:

270 45.21 Reasonableness of amount in controversy;
271 procedures.-

272 (1) In any civil action in which the court's jurisdiction
273 is dependent on the amount in controversy, the defendant may
274 demand proof of the reasonableness of the amount in controversy
275 within 30 days after the complaint is filed. The defendant need

276 | not offer any evidence or argument to support the demand.

277 | (2) A demand pursuant to subsection (1) is deemed a
278 | responsive pleading for purposes of the rules of procedure and
279 | the following procedures shall apply:

280 | (a) The court must promptly hold a hearing to determine
281 | whether the amount in controversy as alleged in the complaint is
282 | reasonable.

283 | (b) At the hearing, the plaintiff must demonstrate, by a
284 | preponderance of the evidence, a reasonable likelihood of
285 | recovering at least the amount alleged in the complaint. The
286 | court may award reasonable attorney fees and costs to the
287 | prevailing party on the demand.

288 | (c) If the court finds that the plaintiff has not made the
289 | showing as required in paragraph (b), the court must transfer
290 | the matter to the appropriate court. The transferee court may
291 | award a party damages in excess of the normal jurisdictional
292 | amount if such amount is proven.

293 | Section 8. The amendments to the jurisdiction of a court
294 | made by this act shall apply with respect to the date of filing
295 | the cause of action, regardless of when the cause of action
296 | accrued.

297 | Section 9. Except as otherwise expressly provided in this
298 | act, this act shall take effect July 1, 2019.