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1
2 An act relating to courts; amending s. 25.025, F.S.;
3 revising provisions governing the payment of
4 subsistence and travel reimbursement for Supreme Court
5 justices who designate an official headquarters other
6 than the headquarters of the Supreme Court;
7 authorizing the Chief Justice of the Supreme Court to
8 establish certain parameters in administering the act;
9 providing construction; creating s. 35.051, F.S.;
10 authorizing district court of appeal judges who meet
11 certain criteria to have an appropriate facility in
12 their county of residence designated as their official
13 headquarters; providing restrictions; specifying
14 eligibility for subsistence and travel reimbursement,
15 subject to the availability of funds; requiring the
16 Chief Justice to coordinate with certain officials in
17 implementing the act; providing that a county is not
18 required to provide space for a judge in a county
19 courthouse; authorizing counties to enter into
20 agreements with a district court of appeal for use of
21 county courthouse space; prohibiting a district court
22 of appeal from using state funds to lease space to
23 establish a judge's official headquarters; authorizing
24 the Chief Justice to establish certain parameters in
25 administering the act; providing for construction;
26 amending s. 26.012, F.S.; limiting the appellate
27 jurisdiction of the circuit courts to appeals from
28 final administrative orders of local code enforcement
29 boards and other reviews and appeals expressly

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30 provided by law; amending ss. 27.51 and 27.511, F.S.;
31 revising the duties of the public defender and office
32 of criminal conflict and civil regional counsel,
33 respectively, regarding the handling of appeals to
34 conform to changes made by the act; amending s.
35 34.017, F.S.; authorizing a county court to certify a
36 question to a district court of appeal in a final
37 judgment that is appealable to a circuit court;
38 amending s. 35.065, F.S.; authorizing a district court
39 of appeal to review certain questions certified by a
40 county court; repealing s. 924.08, F.S., relating to
41 the jurisdiction of the circuit court to hear appeals
42 from final judgments in misdemeanor cases; providing
43 effective dates.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 25.025, Florida Statutes, is amended to
48 read:

49 25.025 Headquarters.—

50 (1) (a) A Supreme Court justice who permanently resides
51 outside Leon County is eligible for the designation of ~~shall, if~~
52 ~~he or she so requests, have~~ a district court of appeal
53 courthouse, a county courthouse, or another appropriate facility
54 in his or her district of residence ~~designated~~ as his or her
55 official headquarters for purposes of ~~pursuant to~~ s. 112.061.
56 This official headquarters may serve only as the justice's
57 private chambers.

58 (b) 1. A justice for whom an official headquarters is

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59 designated in his or her district of residence under this
60 subsection is eligible for subsistence at a rate to be
61 established by the Chief Justice for each day or partial day
62 that the justice is at the headquarters of the Supreme Court to
63 ~~Building for the~~ conduct court of the business, as authorized by
64 the Chief Justice of the court. The Chief Justice may authorize
65 a justice to choose between subsistence based on lodging at a
66 single-occupancy rate and meal reimbursement as provided in s.
67 112.061 and subsistence at a fixed rate prescribed by the Chief
68 Justice.

69 2. In addition to ~~the~~ subsistence allowance, a justice is
70 eligible for reimbursement for travel ~~transportation~~ expenses as
71 provided in s. 112.061(7) and (8) for travel between the
72 justice's official headquarters and the headquarters of the
73 Supreme Court to ~~Building for the~~ conduct court of the business
74 ~~of the court.~~

75 (c) Payment of subsistence and reimbursement for travel
76 ~~transportation~~ expenses ~~relating to travel~~ between a justice's
77 official headquarters and the headquarters of the Supreme Court
78 shall ~~Building must~~ be made to the extent that appropriated
79 funds are available, as determined by the Chief Justice.

80 (2) The Chief Justice shall coordinate with each affected
81 justice and other state and local officials as necessary to
82 implement subsection (1) ~~paragraph (1)(a).~~

83 (3) (a) This section does not require a county to provide
84 space in a county courthouse for a justice. A county may enter
85 into an agreement with the Supreme Court governing the use of
86 space in a county courthouse.

87 (b) The Supreme Court may not use state funds to lease

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88 space in a district court of appeal courthouse, county
89 courthouse, or other facility to allow a justice to establish an
90 official headquarters pursuant to subsection (1).

91 (4) The Chief Justice may establish parameters governing
92 the authority provided in this section, including, but not
93 limited to, specifying minimum operational requirements for the
94 designated headquarters, limiting the number of days for which
95 subsistence and travel reimbursement may be provided, and
96 prescribing activities that qualify as the conduct of court
97 business.

98 (5) If any term of this section conflicts with s. 112.061,
99 this section shall control to the extent of the conflict.

100 Section 2. Section 35.051, Florida Statutes, is created to
101 read:

102 35.051 Subsistence and travel reimbursement for judges with
103 alternate headquarters.-

104 (1) (a) A district court of appeal judge is eligible for the
105 designation of a county courthouse or another appropriate
106 facility in his or her county of residence as his or her
107 official headquarters for purposes of s. 112.061 if the judge
108 permanently resides more than 50 miles from:

109 1. The appellate district's headquarters as prescribed
110 under s. 35.05(1), if the judge is assigned to such
111 headquarters; or

112 2. The appellate district's branch headquarters established
113 under s. 35.05(2), if the judge is assigned to such branch
114 headquarters.

115

116 The official headquarters may serve only as the judge's private

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117 chambers.

118 (b)1. A district court of appeal judge for whom an official
119 headquarters is designated in his or her county of residence
120 under this subsection is eligible for subsistence at a rate to
121 be established by the Chief Justice for each day or partial day
122 that the judge is at the headquarters or branch headquarters of
123 his or her appellate district to conduct court business, as
124 authorized by the chief judge of that district court of appeal.
125 The Chief Justice may authorize a judge to choose between
126 subsistence based on lodging at a single-occupancy rate and meal
127 reimbursement as provided in s. 112.061 and subsistence at a
128 fixed rate prescribed by the Chief Justice.

129 2. In addition to subsistence, a district court of appeal
130 judge is eligible for reimbursement for travel expenses as
131 provided in s. 112.061(7) and (8) for travel between the judge's
132 official headquarters and the headquarters or branch
133 headquarters of the appellate district to conduct court
134 business.

135 (c) Payment of subsistence and reimbursement for travel
136 expenses between the judge's official headquarters and the
137 headquarters or branch headquarters of his or her appellate
138 district shall be made to the extent that appropriated funds are
139 available, as determined by the Chief Justice.

140 (2) The Chief Justice shall coordinate with each affected
141 district court of appeal judge and other state and local
142 officials as necessary to implement subsection (1).

143 (3) (a) This section does not require a county to provide
144 space in a county courthouse for a district court of appeal
145 judge. A county may enter into an agreement with a district

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146 court of appeal governing the use of space in a county
147 courthouse.

148 (b) A district court of appeal may not use state funds to
149 lease space in a county courthouse or other facility to allow a
150 district court of appeal judge to establish an official
151 headquarters pursuant to subsection (1).

152 (4) The Chief Justice may establish parameters governing
153 the authority provided in this section, including, but not
154 limited to, specifying minimum operational requirements for the
155 designated headquarters, limiting the number of days for which
156 subsistence and travel reimbursement may be provided, and
157 prescribing activities that qualify as the conduct of court
158 business.

159 (5) If any term of this section conflicts with s. 112.061,
160 this section shall control to the extent of the conflict.

161 Section 3. Effective January 1, 2021, section 26.012,
162 Florida Statutes, is amended to read:

163 26.012 Jurisdiction of circuit court.-

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

166 ~~(a) Appeals of county court orders or judgments where the~~
167 ~~amount in controversy is greater than \$15,000. This paragraph is~~
168 ~~repealed on January 1, 2023.~~

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

172 ~~(c) Orders or judgments of a county court which are~~
173 ~~certified by the county court to the district court of appeal to~~
174 ~~be of great public importance and which are accepted by the~~

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175 ~~district court of appeal for review.~~ Circuit courts shall have
176 jurisdiction of appeals from final administrative orders of
177 local government code enforcement boards and of reviews and
178 appeals as otherwise expressly provided by law.

179 (2) Circuit courts ~~They~~ shall have exclusive original
180 jurisdiction:

181 (a) In all actions at law not cognizable by the county
182 courts;

183 (b) Of proceedings relating to the settlement of the
184 estates of decedents and minors, the granting of letters
185 testamentary, guardianship, involuntary hospitalization, the
186 determination of incompetency, and other jurisdiction usually
187 pertaining to courts of probate;

188 (c) In all cases in equity including all cases relating to
189 juveniles except traffic offenses as provided in chapters 316
190 and 985;

191 (d) Of all felonies and of all misdemeanors arising out of
192 the same circumstances as a felony which is also charged;

193 (e) In all cases involving legality of any tax assessment
194 or toll or denial of refund, except as provided in s. 72.011;

195 (f) In actions of ejectment; and

196 (g) In all actions involving the title and boundaries of
197 real property.

198 (3) The circuit court may issue injunctions.

199 (4) The chief judge of a circuit may authorize a county
200 court judge to order emergency hospitalizations pursuant to part
201 I of chapter 394 in the absence from the county of the circuit
202 judge; and the county court judge shall have the power to issue
203 all temporary orders and temporary injunctions necessary or

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204 proper to the complete exercise of such jurisdiction.

205 (5) A circuit court is a trial court.

206 Section 4. Effective January 1, 2021, subsection (4) of
207 section 27.51, Florida Statutes, is amended to read:

208 27.51 Duties of public defender.—

209 (4) The public defender for the judicial circuit specified
210 in this subsection shall, after the record on appeal is
211 transmitted to the appellate court by the office of the public
212 defender which handled the trial and if requested by any public
213 defender within the indicated appellate district, handle all
214 circuit court and county court appeals within the state courts
215 system and any authorized appeals to the federal courts required
216 of the official making such request:

217 (a) Public defender of the second judicial circuit, on
218 behalf of any public defender within the district comprising the
219 First District Court of Appeal.

220 (b) Public defender of the tenth judicial circuit, on
221 behalf of any public defender within the district comprising the
222 Second District Court of Appeal.

223 (c) Public defender of the eleventh judicial circuit, on
224 behalf of any public defender within the district comprising the
225 Third District Court of Appeal.

226 (d) Public defender of the fifteenth judicial circuit, on
227 behalf of any public defender within the district comprising the
228 Fourth District Court of Appeal.

229 (e) Public defender of the seventh judicial circuit, on
230 behalf of any public defender within the district comprising the
231 Fifth District Court of Appeal.

232 Section 5. Effective January 1, 2021, subsection (8) of

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233 section 27.511, Florida Statutes, is amended to read:

234 27.511 Offices of criminal conflict and civil regional
235 counsel; legislative intent; qualifications; appointment;
236 duties.—

237 (8) The public defender for the judicial circuit specified
238 in s. 27.51(4) shall, after the record on appeal is transmitted
239 to the appellate court by the office of criminal conflict and
240 civil regional counsel which handled the trial and if requested
241 by the regional counsel for the indicated appellate district,
242 handle all circuit court and county court appeals authorized
243 pursuant to paragraph (5) (f) within the state courts system and
244 any authorized appeals to the federal courts required of the
245 official making the request. If the public defender certifies to
246 the court that the public defender has a conflict consistent
247 with the criteria prescribed in s. 27.5303 and moves to
248 withdraw, the regional counsel shall handle the appeal, unless
249 the regional counsel has a conflict, in which case the court
250 shall appoint private counsel pursuant to s. 27.40.

251 Section 6. Effective January 1, 2021, section 34.017,
252 Florida Statutes, is amended to read:

253 34.017 Certification of questions to district court of
254 appeal.—

255 (1) A county court ~~may is permitted to~~ certify a question
256 to the district court of appeal in a final judgment that is
257 appealable to the circuit court if the question may have
258 statewide application, and:

259 (a) Is of great public importance; or

260 (b) Will affect the uniform administration of justice.

261 (2) In the final judgment, the trial court shall:

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262 (a) Make findings of fact and conclusions of law; and

263 (b) State concisely the question to be certified.

264 (3) The decision to certify the question to the district
265 court of appeal is within the sole discretion of the county
266 court.

267 (4) The district court of appeal has absolute discretion as
268 to whether to answer a question certified by the county court.

269 (a) If the district court agrees to answer the certified
270 question, it shall decide all appealable issues that have been
271 raised from the final judgment.

272 (b) If the district court declines to answer the certified
273 question, the case shall be transferred to the circuit court
274 which has appellate jurisdiction.

275 Section 7. Effective January 1, 2021, section 35.065,
276 Florida Statutes, is amended to read:

277 35.065 Review of judgment or order certified by county
278 court to be of great public importance.—Pursuant to s. 34.017, a
279 district court of appeal may review any order or judgment of a
280 county court which is certified by the county court to be of
281 great public importance.

282 Section 8. Effective January 1, 2021, section 924.08,
283 Florida Statutes, is repealed.

284 Section 9. Except as otherwise expressly provided in this
285 act, this act shall take effect July 1, 2020.