



334674

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/23/2020	.	
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The Committee on Judiciary (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 26.012, Florida Statutes, is amended to
read

26.012 Jurisdiction of circuit court.-

(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. This paragraph is~~



334674

12 ~~repealed on January 1, 2023.~~

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

16 ~~(c) Orders or judgments of a county court which are~~
17 ~~certified by the county court to the district court of appeal to~~
18 ~~be of great public importance and which are accepted by the~~
19 ~~district court of appeal for review.~~

20
21 Circuit courts shall have jurisdiction of appeals from final
22 administrative orders of local government code enforcement
23 boards and of reviews and appeals as otherwise expressly
24 provided by law.

25 (2) They shall have exclusive original jurisdiction:

26 (a) In all actions at law not cognizable by the county
27 courts;

28 (b) Of proceedings relating to the settlement of the
29 estates of decedents and minors, the granting of letters
30 testamentary, guardianship, involuntary hospitalization, the
31 determination of incompetency, and other jurisdiction usually
32 pertaining to courts of probate;

33 (c) In all cases in equity including all cases relating to
34 juveniles except traffic offenses as provided in chapters 316
35 and 985;

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

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

40 (f) In actions of ejectment; and



334674

41 (g) In all actions involving the title and boundaries of
42 real property.

43 (3) The circuit court may issue injunctions.

44 (4) The chief judge of a circuit may authorize a county
45 court judge to order emergency hospitalizations pursuant to part
46 I of chapter 394 in the absence from the county of the circuit
47 judge; and the county court judge shall have the power to issue
48 all temporary orders and temporary injunctions necessary or
49 proper to the complete exercise of such jurisdiction.

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

51 Section 2. Section 34.017, Florida Statutes, is amended to
52 read

53 34.017 Certification of questions to district court of
54 appeal.—

55 (1) A county court may ~~is permitted to~~ certify a question
56 to the district court of appeal in a final judgment that is
57 appealable to the circuit court if the question may have
58 statewide application, and:

59 (a) Is of great public importance; or

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

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

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

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

64 (3) The decision to certify the question to the district
65 court of appeal is within the sole discretion of the county
66 court.

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

69 (a) If the district court agrees to answer the certified



334674

70 question, it shall decide all appealable issues that have been
71 raised from the final judgment.

72 (b) If the district court declines to answer the certified
73 question, the case shall be transferred to the circuit court
74 which has appellate jurisdiction.

75 Section 3. Section 35.065, Florida Statutes, is amended to
76 read

77 35.065 Review of judgment or order certified by county
78 court to be of great public importance.—Pursuant to s. 34.017, a
79 district court of appeal may review any order or judgment of a
80 county court which is certified by the county court to be of
81 great public importance.

82 Section 4. Section 924.08, Florida Statutes, is repealed.

83 Section 5. This act shall take effect January 1, 2021.

84

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

86 And the title is amended as follows:

87 Delete everything before the enacting clause
88 and insert:

89 A bill to be entitled
90 An act relating to jurisdiction of the courts;
91 amending s. 26.012, F.S.; limiting the appellate
92 jurisdiction of the circuit courts to appeals from
93 final administrative orders of local code enforcement
94 boards; amending s. 34.017, F.S.; authorizing a county
95 court to certify a question to a district court of
96 appeal in a final judgment that is appealable to a
97 circuit court; amending s. 35.065, F.S.; authorizing a
98 district court of appeal to review certain questions



334674

99 certified by a county court; repealing s. 924.08,
100 F.S.; relating to the jurisdiction of circuit court to
101 hear appeals from final judgments in misdemeanor
102 cases; providing an effective date.