

By Senator Brandes

24-01569A-20

20201510__

1 A bill to be entitled
2 An act relating to jurisdiction of courts; amending s.
3 26.012, F.S.; revising the jurisdiction of circuit
4 courts; amending s. 26.57, F.S.; revising the
5 authority of county court judges temporarily
6 designated to preside over circuit court cases;
7 amending s. 28.241, F.S.; removing authorization for
8 filing fees for certain appellate proceedings;
9 repealing s. 34.017, F.S., relating to certification
10 of questions to district courts of appeal; amending s.
11 34.041, F.S.; conforming a provision to changes made
12 by the act; repealing s. 35.065, F.S., relating to the
13 review of a judgment or an order certified by a county
14 court to be of great public importance; amending s.
15 162.11, F.S.; transferring jurisdiction for appeals of
16 final administrative orders of local government code
17 enforcement boards from the circuit court to the
18 district court of appeal; amending s. 171.081, F.S.;
19 transferring jurisdiction for petitions on annexation
20 or contraction of local government boundaries from the
21 circuit court to the district court of appeal;
22 amending s. 163.3215, F.S.; transferring jurisdiction
23 for appeals on development orders from the circuit
24 court to the district court of appeal; amending s.
25 189.041, F.S.; transferring jurisdiction of challenges
26 of urban area maps adopted by special districts from
27 the circuit court to the district court of appeal;
28 amending s. 190.046, F.S.; transferring jurisdiction
29 of petitions seeking review of transfer plan

24-01569A-20

20201510__

30 ordinances adopted by a community development district
31 from the circuit court to the district court of
32 appeal; amending s. 255.20, F.S.; transferring
33 jurisdiction of appeals regarding local bids and
34 contracts for public construction works from the
35 circuit court to the district court of appeal;
36 amending s. 318.16, F.S.; transferring jurisdiction
37 for appeals of traffic infractions from the circuit
38 court to the district court of appeal; amending s.
39 318.33, F.S.; modifying provisions regarding the
40 appeal of traffic infractions to conform to changes
41 made by the act; amending s. 320.781, F.S.;
42 transferring jurisdiction of appeals of determinations
43 of the Department of Highway Safety and Motor Vehicles
44 on certain claims against mobile home or recreational
45 vehicle dealers or brokers from the circuit court to
46 the district court of appeal; amending s. 321.051,
47 F.S.; transferring jurisdiction of appeals of final
48 orders of the Department of Highway Safety and Motor
49 Vehicles regarding the Florida Highway Patrol wrecker
50 operator system from the circuit court to the district
51 court of appeal; amending s. 322.272, F.S.; modifying
52 provisions regarding the filing of petitions for
53 certiorari to conform to changes made by the act;
54 amending s. 322.31, F.S.; transferring jurisdiction of
55 the review of Department of Highway Safety and Motor
56 Vehicles final orders and rulings from the circuit
57 court to the district court of appeal; amending s.
58 322.64, F.S.; conforming a provision to changes made

24-01569A-20

20201510__

59 by the act; amending s. 327.73, F.S.; transferring
60 jurisdiction of appeals of a hearing official's
61 finding regarding a noncriminal infraction regarding a
62 vessel from the circuit court to the district court of
63 appeal; amending s. 333.11, F.S.; transferring
64 jurisdiction of judicial review of airport zoning
65 regulations from the circuit court to the district
66 court of appeal; amending s. 336.41, F.S.;

67 transferring jurisdiction of appeals of competitive
68 bidding determinations made by counties from the
69 circuit court to the district court of appeal;
70 amending s. 337.14, F.S.; transferring jurisdiction of
71 appeals of competitive bidding determinations made by
72 the Department of Transportation from the circuit
73 court to the district court of appeal; amending s.
74 337.404, F.S.; transferring jurisdiction of judicial
75 review of the removal or relocation of utility
76 facilities from the circuit court to the district
77 court of appeal; amending s. 376.065, F.S.;

78 transferring jurisdiction of an appeal of a hearing
79 official's findings of a violation of discharge
80 prevention and response certification from the circuit
81 court to the district court of appeal; amending s.
82 376.07, F.S.; transferring jurisdiction of an appeal
83 of a hearing official's finding of inadequate booming
84 by a terminal facility from the circuit court to the
85 district court of appeal; amending s. 376.071, F.S.;

86 transferring jurisdiction of an appeal of a hearing
87 official's finding of a violation of requirements for

24-01569A-20

20201510__

88 a discharge contingency plan from the circuit court to
89 the district court of appeal; amending s. 376.16,
90 F.S.; transferring jurisdiction of an appeal of a
91 hearing official's finding of a violation of the
92 Pollutant Discharge Prevention and Control Act from
93 the circuit court to the district court of appeal;
94 amending s. 379.401, F.S.; transferring jurisdiction
95 of appeals of Level One violations from the circuit
96 court to the district court of appeal; amending s.
97 379.4015, F.S.; conforming a provision to changes made
98 by the act; amending s. 379.412, F.S.; transferring
99 jurisdiction of appeals of violations of certain
100 prohibitions regarding feeding wildlife and freshwater
101 fish from the circuit court to the district court of
102 appeal; amending s. 408.40, F.S.; providing for the
103 review of the Public Counsel's petition of the Agency
104 for Health Care Administration by appellate courts;
105 amending s. 489.127, F.S.; transferring jurisdiction
106 of appeals of final administrative orders of an
107 enforcement board or licensing board regulating
108 contracting or a designated special magistrate from
109 the circuit court to the district court of appeal;
110 amending s. 489.531, F.S.; transferring jurisdiction
111 of appeals of final administrative orders of an
112 enforcement board or licensing board regulating
113 electrical or alarm system contracting or a designated
114 special magistrate from the circuit court to the
115 district court of appeal; amending s. 556.107, F.S.;

116 transferring jurisdiction of appeals of noncriminal

24-01569A-20

20201510__

117 infractions under the Underground Facility Damage
118 Prevention and Safety Act from the circuit court to
119 the district court of appeal; conforming a provision
120 to changes made by the act; amending s. 569.005, F.S.;
121 transferring jurisdiction of appeals of findings of
122 infractions of operating without a retail tobacco
123 products dealer permit from the circuit court to the
124 district court of appeal; amending s. 605.0716, F.S.;
125 transferring jurisdiction of judicial review of denial
126 of reinstatement of a limited liability company from
127 the Circuit Court of Leon County to the First District
128 Court of Appeal; amending s. 605.09091, F.S.;
129 transferring jurisdiction of judicial review of denial
130 of reinstatement of a foreign limited liability
131 company from the Circuit Court of Leon County to the
132 First District Court of Appeal; amending s. 607.0126,
133 F.S.; transferring jurisdiction of appeals of the
134 Department of State's refusal to file a corporate
135 document from the Circuit Court of Leon County to the
136 First District Court of Appeal; amending s. 607.1423,
137 F.S.; transferring jurisdiction of judicial review of
138 denial of reinstatement of a corporation from the
139 Circuit Court of Leon County to the First District
140 Court of Appeal; amending s. 607.1532, F.S.;
141 transferring jurisdiction of judicial review of denial
142 of reinstatement of a foreign corporation from the
143 Circuit Court of Leon County to the First District
144 Court of Appeal; amending s. 620.1811, F.S.;
145 transferring jurisdiction of appeals from the denial

24-01569A-20

20201510__

146 of reinstatement of a limited partnership from the
 147 circuit court to the district court of appeal;
 148 amending s. 717.1242, F.S.; conforming a cross-
 149 reference to changes made by the act; amending s.
 150 723.0612, F.S.; transferring jurisdiction of review of
 151 certain actions of the Florida Mobile Home Relocation
 152 Corporation from the circuit court to the district
 153 court of appeal; amending s. 767.12, F.S.;
 154 transferring jurisdiction of appeals of dangerous dog
 155 classifications and penalties from the circuit court
 156 to the district court of appeal; repealing s. 924.08,
 157 F.S., relating to courts of appeal; providing an
 158 effective date.

159

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

161

162 Section 1. Section 26.012, Florida Statutes, is amended to
 163 read:

164 26.012 Jurisdiction of circuit court.—

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

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

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

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

24-01569A-20

20201510__

175 ~~be of great public importance and which are accepted by the~~
176 ~~district court of appeal for review.~~

177
178 ~~Circuit courts shall have jurisdiction of appeals from final~~
179 ~~administrative orders of local government code enforcement~~
180 ~~boards.~~

181 ~~(2) They shall have exclusive original jurisdiction:~~

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

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

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

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

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

196 (f) In actions of ejectment; and

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

199 (2)~~(3)~~ The circuit court may issue injunctions.

200 (3)~~(4)~~ The chief judge of a circuit may authorize a county
201 court judge to order emergency hospitalizations pursuant to part
202 I of chapter 394 in the absence from the county of the circuit
203 judge; and the county court judge shall have the power to issue

24-01569A-20

20201510__

204 all temporary orders and temporary injunctions necessary or
205 proper to the complete exercise of such jurisdiction.

206 (4)~~(5)~~ A circuit court is a trial court.

207 Section 2. Section 26.57, Florida Statutes, is amended to
208 read:

209 26.57 Temporary designation of county court judge to
210 preside over circuit court cases.—A county court judge may be
211 designated on a temporary basis to preside over circuit court
212 cases by the Chief Justice of the Supreme Court upon
213 recommendation of the chief judge of the circuit. He or she may
214 be assigned to exercise all county and circuit court
215 jurisdiction in the county,~~except appeals from the county~~
216 ~~court~~. In addition, he or she may be required to perform the
217 duties of circuit judge in other counties of the circuit as time
218 may permit and as the need arises, as determined by the chief
219 judge of the circuit. A county court judge designated to preside
220 over circuit court cases shall receive the same salary as a
221 circuit court judge, to the extent that funds are specifically
222 appropriated by law for such purposes.

223 Section 3. Present subsections (2) and (3) of section
224 28.241, Florida Statutes, are amended, and present subsections
225 (4) through (7) of that section are renumbered as subsections
226 (3) through (6), respectively, to read:

227 28.241 Filing fees for trial and appellate proceedings.—

228 ~~(2) Upon the institution of any appellate proceeding from~~
229 ~~any lower court to the circuit court of any such county,~~
230 ~~including appeals filed by a county or municipality as provided~~
231 ~~in s. 34.041(5), or from the county or circuit court to an~~
232 ~~appellate court of the state, the clerk shall charge and collect~~

24-01569A-20

20201510__

233 ~~from the party or parties instituting such appellate proceedings~~
 234 ~~a filing fee not to exceed \$280, from which the clerk shall~~
 235 ~~remit \$20 to the Department of Revenue for deposit into the~~
 236 ~~General Revenue Fund, for filing a notice of appeal from the~~
 237 ~~county court to the circuit court and, in addition to the filing~~
 238 ~~fee required under s. 25.241 or s. 35.22, \$100 for filing a~~
 239 ~~notice of appeal from the county or circuit court to the~~
 240 ~~district court of appeal or to the Supreme Court. If the party~~
 241 ~~is determined to be indigent, the clerk shall defer payment of~~
 242 ~~the fee otherwise required by this subsection.~~

243 ~~(3)~~ A filing fee may not be imposed upon a party for
 244 responding by pleading, motion, or other paper to a civil or
 245 criminal action, suit, or proceeding, ~~or appeal~~ in a circuit
 246 court.

247 Section 4. Section 34.017, Florida Statutes, is repealed.

248 Section 5. Present subsections (5) and (6) of section
 249 34.041, Florida Statutes, are amended, and present subsections
 250 (7) and (8) are renumbered as subsections (6) and (7),
 251 respectively, to read:

252 34.041 Filing fees.—

253 ~~(5)~~ ~~Upon the institution of any appellate proceeding from~~
 254 ~~the county court to the circuit court, including any appeal~~
 255 ~~filed by a county or municipality, the clerk shall charge and~~
 256 ~~collect filing fees as provided in s. 28.241(2) from the party~~
 257 ~~or parties instituting the appellate proceedings. If the party~~
 258 ~~is determined to be indigent, the clerk shall defer payment of~~
 259 ~~the fee.~~

260 ~~(6)~~ A charge or a fee may not be imposed upon a party for
 261 responding by pleading, motion, or other paper to a civil or

24-01569A-20

20201510__

262 criminal action, suit, or proceeding in a county court ~~or to an~~
263 ~~appeal to the circuit court.~~

264 Section 6. Section 35.065, Florida Statutes, is repealed.

265 Section 7. Section 162.11, Florida Statutes, is amended to
266 read:

267 162.11 Appeals.—An aggrieved party, including the local
268 governing body, may appeal a final administrative order of an
269 enforcement board to the district circuit court of appeal. The
270 ~~Such an appeal may shall~~ not be a hearing de novo but must shall
271 be limited to appellate review of the record created before the
272 enforcement board. An appeal must shall be filed within 30 days
273 after of the execution of the order to be appealed.

274 Section 8. Section 171.081, Florida Statutes, is amended to
275 read:

276 171.081 Appeal on annexation or contraction.—

277 (1) Any party affected who believes that he or she will
278 suffer material injury by reason of the failure of the municipal
279 governing body to comply with the procedures set forth in this
280 chapter for annexation or contraction or to meet the
281 requirements established for annexation or contraction as they
282 apply to his or her property may file a petition in the district
283 ~~circuit~~ court of appeal for the appellate district county in
284 which the municipality or municipalities are located seeking
285 review by certiorari. The action may be initiated at the party's
286 option within 30 days following the passage of the annexation or
287 contraction ordinance or within 30 days following the completion
288 of the dispute resolution process in subsection (2). In any
289 action instituted pursuant to this subsection, the complainant,
290 should he or she prevail, shall be entitled to reasonable costs

24-01569A-20

20201510__

291 and attorney ~~attorney's~~ fees.

292 (2) If the affected party is a governmental entity, no
293 later than 30 days following the passage of an annexation or
294 contraction ordinance, the governmental entity must initiate and
295 proceed through the conflict resolution procedures established
296 in chapter 164. If there is a failure to resolve the conflict,
297 no later than 30 days following the conclusion of the procedures
298 established in chapter 164, the governmental entity that
299 initiated the conflict resolution procedures may file a petition
300 in the district circuit court of appeal for the appellate
301 district county in which the municipality or municipalities are
302 located seeking review by certiorari. In any legal action
303 instituted pursuant to this subsection, the prevailing party is
304 entitled to reasonable costs and attorney ~~attorney's~~ fees.

305 Section 9. Subsection (4) of section 163.3215, Florida
306 Statutes, is amended to read:

307 163.3215 Standing to enforce local comprehensive plans
308 through development orders.—

309 (4) If a local government elects to adopt or has adopted an
310 ordinance establishing, at a minimum, the requirements listed in
311 this subsection, the sole method by which an aggrieved and
312 adversely affected party may challenge any decision of local
313 government granting or denying an application for a development
314 order, as defined in s. 163.3164, which materially alters the
315 use or density or intensity of use on a particular piece of
316 property, on the basis that it is not consistent with the
317 comprehensive plan adopted under this part, is by an appeal
318 filed by a petition for writ of certiorari filed in the district
319 ~~circuit~~ court of appeal within ~~no later than~~ 30 days after

24-01569A-20

20201510__

320 ~~following~~ rendition of a development order or other written
321 decision of the local government, or when all local
322 administrative appeals, if any, are exhausted, whichever occurs
323 later. An action for injunctive or other relief may be joined
324 with the petition for certiorari. Principles of judicial or
325 administrative res judicata and collateral estoppel apply to
326 these proceedings. Minimum components of the local process are
327 as follows:

328 (a) The local process must make provision for notice of an
329 application for a development order that materially alters the
330 use or density or intensity of use on a particular piece of
331 property, including notice by publication or mailed notice
332 consistent with the provisions of ss. 125.66(4)(b)2. and 3. and
333 166.041(3)(c)2.b. and c., and must require prominent posting at
334 the job site. The notice must be given within 10 days after the
335 filing of an application for a development order; however,
336 notice under this subsection is not required for an application
337 for a building permit or any other official action of local
338 government which does not materially alter the use or density or
339 intensity of use on a particular piece of property. The notice
340 must clearly delineate that an aggrieved or adversely affected
341 person has the right to request a quasi-judicial hearing before
342 the local government for which the application is made, must
343 explain the conditions precedent to the appeal of any
344 development order ultimately rendered upon the application, and
345 must specify the location where written procedures can be
346 obtained that describe the process, including how to initiate
347 the quasi-judicial process, the timeframes for initiating the
348 process, and the location of the hearing. The process may

24-01569A-20

20201510__

349 include an opportunity for an alternative dispute resolution.

350 (b) The local process must provide a clear point of entry
351 consisting of a written preliminary decision, at a time and in a
352 manner to be established in the local ordinance, with the time
353 to request a quasi-judicial hearing running from the issuance of
354 the written preliminary decision; the local government, however,
355 is not bound by the preliminary decision. A party may request a
356 hearing to challenge or support a preliminary decision.

357 (c) The local process must provide an opportunity for
358 participation in the process by an aggrieved or adversely
359 affected party, allowing a reasonable time for the party to
360 prepare and present a case for the quasi-judicial hearing.

361 (d) The local process must provide, at a minimum, an
362 opportunity for the disclosure of witnesses and exhibits prior
363 to hearing and an opportunity for the depositions of witnesses
364 to be taken.

365 (e) The local process may not require that a party be
366 represented by an attorney in order to participate in a hearing.

367 (f) The local process must provide for a quasi-judicial
368 hearing before an impartial special master who is an attorney
369 who has at least 5 years' experience and who shall, at the
370 conclusion of the hearing, recommend written findings of fact
371 and conclusions of law. The special master shall have the power
372 to swear witnesses and take their testimony under oath, to issue
373 subpoenas and other orders regarding the conduct of the
374 proceedings, and to compel entry upon the land. The standard of
375 review applied by the special master in determining whether a
376 proposed development order is consistent with the comprehensive
377 plan shall be strict scrutiny in accordance with Florida law.

24-01569A-20

20201510__

378 (g) At the quasi-judicial hearing, all parties must have
379 the opportunity to respond, to present evidence and argument on
380 all issues involved which are related to the development order,
381 and to conduct cross-examination and submit rebuttal evidence.
382 Public testimony must be allowed.

383 (h) The local process must provide for a duly noticed
384 public hearing before the local government at which public
385 testimony is allowed. At the quasi-judicial hearing, the local
386 government is bound by the special master's findings of fact
387 unless the findings of fact are not supported by competent
388 substantial evidence. The governing body may modify the
389 conclusions of law if it finds that the special master's
390 application or interpretation of law is erroneous. The governing
391 body may make reasonable legal interpretations of its
392 comprehensive plan and land development regulations without
393 regard to whether the special master's interpretation is labeled
394 as a finding of fact or a conclusion of law. The local
395 government's final decision must be reduced to writing,
396 including the findings of fact and conclusions of law, and is
397 not considered rendered or final until officially date-stamped
398 by the city or county clerk.

399 (i) An ex parte communication relating to the merits of the
400 matter under review may not be made to the special master. An ex
401 parte communication relating to the merits of the matter under
402 review may not be made to the governing body after a time to be
403 established by the local ordinance, which time must be no later
404 than receipt of the special master's recommended order by the
405 governing body.

406 (j) At the option of the local government, the process may

24-01569A-20

20201510__

407 require actions to challenge the consistency of a development
408 order with land development regulations to be brought in the
409 same proceeding.

410 Section 10. Paragraph (b) of subsection (2) of section
411 189.041, Florida Statutes, is amended to read:

412 189.041 Elections; special requirements and procedures for
413 districts with governing bodies elected on a one-acre/one-vote
414 basis.—

415 (2) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN
416 AREAS.—

417 (b) *Designation of urban areas.*—

418 1. Within 30 days after approval of the election process
419 described in this subsection by qualified electors of the
420 district, the governing body shall direct the district staff to
421 prepare and present maps of the district describing the extent
422 and location of all urban areas within the district. Such
423 determination shall be based upon the criteria contained within
424 paragraph (1) (b).

425 2. Within 60 days after approval of the election process
426 described in this subsection by qualified electors of the
427 district, the maps describing urban areas within the district
428 shall be presented to the governing body.

429 3. Any district landowner or elector may contest the
430 accuracy of the urban area maps prepared by the district staff
431 within 30 days after submission to the governing body. Upon
432 notice of objection to the maps, the governing body shall
433 request the county engineer to prepare and present maps of the
434 district describing the extent and location of all urban areas
435 within the district. Such determination shall be based upon the

24-01569A-20

20201510__

436 criteria contained within paragraph (1) (b). Within 30 days after
437 the governing body request, the county engineer shall present
438 the maps to the governing body.

439 4. Upon presentation of the maps by the county engineer,
440 the governing body shall compare the maps submitted by both the
441 district staff and the county engineer and make a determination
442 as to which set of maps to adopt. Within 60 days after
443 presentation of all such maps, the governing body may amend and
444 shall adopt the official maps at a regularly scheduled meeting
445 of the governing body.

446 5. Any district landowner or qualified elector may contest
447 the accuracy of the urban area maps adopted by the governing
448 body within 30 days after adoption by petition to the district
449 circuit court of appeal ~~with jurisdiction over the district~~.
450 Accuracy shall be determined pursuant to paragraph (1) (b). Any
451 petitions so filed shall be heard expeditiously, and the maps
452 shall either be approved or approved with necessary amendments
453 to render the maps accurate and shall be certified to the
454 governing body.

455 6. Upon adoption by the governing body or certification by
456 the court, the district urban area maps shall serve as the
457 official maps for determination of the extent of urban area
458 within the district and the number of governing body members to
459 be elected by qualified electors and by the one-acre/one-vote
460 principle at the next regularly scheduled election of governing
461 body members.

462 7. Upon a determination of the percentage of urban area
463 within the district as compared with total area within the
464 district, the governing body shall order elections in accordance

24-01569A-20

20201510__

465 with the percentages pursuant to paragraph (3) (a). The
466 landowners' meeting date shall be designated by the governing
467 body.

468 8. The maps shall be updated and readopted every 5 years or
469 sooner in the discretion of the governing body.

470 Section 11. Subsection (6) of section 190.046, Florida
471 Statutes, is amended to read:

472 190.046 Termination, contraction, or expansion of
473 district.—

474 (6) No later than 30 days following the adoption of a
475 transfer plan ordinance, the board of supervisors may file, in
476 the appropriate district circuit court of appeal for the county
477 ~~in which the local general-purpose government that adopted the~~
478 ~~ordinance is located~~, a petition seeking review by certiorari of
479 the factual and legal basis for the adoption of the transfer
480 plan ordinance.

481 Section 12. Paragraphs (a) and (b) of subsection (1) of
482 section 255.20, Florida Statutes, are amended to read:

483 255.20 Local bids and contracts for public construction
484 works; specification of state-produced lumber.—

485 (1) A county, municipality, special district as defined in
486 chapter 189, or other political subdivision of the state seeking
487 to construct or improve a public building, structure, or other
488 public construction works must competitively award to an
489 appropriately licensed contractor each project that is estimated
490 in accordance with generally accepted cost-accounting principles
491 to cost more than \$300,000. For electrical work, the local
492 government must competitively award to an appropriately licensed
493 contractor each project that is estimated in accordance with

24-01569A-20

20201510__

494 generally accepted cost-accounting principles to cost more than
495 \$75,000. As used in this section, the term "competitively award"
496 means to award contracts based on the submission of sealed bids,
497 proposals submitted in response to a request for proposal,
498 proposals submitted in response to a request for qualifications,
499 or proposals submitted for competitive negotiation. This
500 subsection expressly allows contracts for construction
501 management services, design/build contracts, continuation
502 contracts based on unit prices, and any other contract
503 arrangement with a private sector contractor permitted by any
504 applicable municipal or county ordinance, by district
505 resolution, or by state law. For purposes of this section, cost
506 includes the cost of all labor, except inmate labor, and the
507 cost of equipment and materials to be used in the construction
508 of the project. Subject to the provisions of subsection (3), the
509 county, municipality, special district, or other political
510 subdivision may establish, by municipal or county ordinance or
511 special district resolution, procedures for conducting the
512 bidding process.

513 (a) Notwithstanding any other law, a governmental entity
514 seeking to construct or improve bridges, roads, streets,
515 highways, or railroads, and services incidental thereto, at a
516 cost in excess of \$250,000 may require that persons interested
517 in performing work under contract first be certified or
518 qualified to perform such work. A contractor may be considered
519 ineligible to bid if the contractor is behind by 10 percent or
520 more on completing an approved progress schedule for the
521 governmental entity at the time of advertising the work. A
522 prequalified contractor considered eligible by the Department of

24-01569A-20

20201510__

523 Transportation to bid to perform the type of work described
524 under the contract is presumed to be qualified to perform the
525 work described. The governmental entity may provide an appeal
526 process to overcome that presumption with de novo review based
527 on the record below to the district circuit court of appeal.

528 (b) For contractors who are not prequalified by the
529 Department of Transportation, the governmental entity shall
530 publish prequalification criteria and procedures prior to
531 advertisement or notice of solicitation. Such publications must
532 include notice of a public hearing for comment on such criteria
533 and procedures prior to adoption. The procedures must provide
534 for an appeal process within the authority for making objections
535 to the prequalification process with de novo review based on the
536 record below to the district circuit court of appeal within 30
537 days.

538 Section 13. Section 318.16, Florida Statutes, is amended to
539 read:

540 318.16 Appeals; stay orders; procedures.—

541 (1) If a person is found to have committed an infraction by
542 the hearing official, he or she may appeal that finding to the
543 district circuit court of appeal. An appeal under this
544 subsection does ~~shall~~ not ~~operate to~~ stay the reporting
545 requirements of s. 318.14(7) or ~~to~~ stay appropriate action by
546 the department upon receipt of that report.

547 (2) The district circuit court of appeal, upon application
548 by the appellant, may:

549 (a) Order a stay of any action by the department during
550 pendency of the appeal, but not to exceed a period of 60 days. A
551 copy of the order shall be forwarded to the department.

24-01569A-20

20201510__

552 (b) Deny the application.

553 Section 14. Section 318.33, Florida Statutes, is amended to
554 read:

555 318.33 Appeals.—Decisions of the hearing officer are
556 appealable to the district court of appeal in the manner
557 prescribed by the Florida Rules of Appellate Procedure, ~~under~~
558 ~~the rules of court, to the circuit court.~~ Appeals must ~~shall~~ be
559 based upon the record of the hearing before the hearing officer
560 and may ~~shall~~ not be hearings de novo. Appellants are
561 responsible for producing the record of the hearing beyond that
562 which normally results from the civil traffic infraction hearing
563 process.

564 Section 15. Subsection (7) of section 320.781, Florida
565 Statutes, is amended to read:

566 320.781 Mobile Home and Recreational Vehicle Protection
567 Trust Fund.—

568 (7) Within 90 days after receipt of the application and
569 verified claim, the department shall issue its determination on
570 the claim. The ~~Such~~ determination is ~~shall~~ not be subject to ~~the~~
571 ~~provisions of~~ chapter 120, but is ~~shall be~~ reviewable only by
572 writ of certiorari in the district court of appeal ~~circuit court~~
573 ~~in the county in which the claimant resides~~ in the manner and
574 within the time provided by the Florida Rules of Appellate
575 Procedure. The claim must be paid within 45 days after the
576 determination, or, if judicial review is sought, within 45 days
577 after the review becomes final. A person may not be paid an
578 amount from the fund in excess of \$25,000 per mobile home or
579 recreational vehicle, which includes any damages, restitution,
580 payments received as the result of a claim against the surety

24-01569A-20

20201510__

581 bond, or expenses, including reasonable attorney ~~attorney's~~
582 fees. Prior to payment, the person must execute an assignment to
583 the department of all the person's rights and title to, and
584 interest in, the unsatisfied judgment and judgment lien or the
585 claim against the dealer or broker and its surety.

586 Section 16. Subsection (2) of section 321.051, Florida
587 Statutes, is amended to read:

588 321.051 Florida Highway Patrol wrecker operator system;
589 penalties for operation outside of system.-

590 (2) The Division of Florida Highway Patrol of the
591 Department of Highway Safety and Motor Vehicles may ~~is~~
592 ~~authorized to~~ establish within areas designated by the patrol a
593 wrecker operator system using qualified, reputable wrecker
594 operators for removal and storage of wrecked or disabled
595 vehicles from a crash scene or for removal and storage of
596 abandoned vehicles, if ~~in the event~~ the owner or operator is
597 incapacitated or unavailable or leaves the procurement of
598 wrecker service to the officer at the scene. All reputable
599 wrecker operators are ~~shall be~~ eligible to participate ~~for use~~
600 in the system provided their equipment and drivers meet
601 recognized safety qualifications and mechanical standards set by
602 rules of the Division of Florida Highway Patrol for the size of
603 vehicle it is designed to handle. The division may ~~is authorized~~
604 ~~to~~ limit the number of wrecker operators participating in the
605 wrecker operator system, which authority shall not affect
606 wrecker operators currently participating in the system
607 established by this section. The division may ~~is authorized to~~
608 establish maximum rates for the towing and storage of vehicles
609 removed at the division's request, where the ~~such~~ rates have not

24-01569A-20

20201510__

610 been set by a county or municipality pursuant to s. 125.0103 or
611 s. 166.043. The ~~Such~~ rates are ~~shall not be considered~~ rules for
612 the purpose of chapter 120; however, the department shall
613 establish by rule a procedure for setting the ~~such~~ rates. Any
614 provision in chapter 120 to the contrary notwithstanding, a
615 final order of the department denying, suspending, or revoking a
616 wrecker operator's participation in the system is ~~shall be~~
617 reviewable in the manner and within the time provided by the
618 Florida Rules of Appellate Procedure only by a writ of
619 certiorari issued by the district circuit court of appeal ~~in the~~
620 ~~county wherein such wrecker operator resides.~~

621 Section 17. Section 322.272, Florida Statutes, is amended
622 to read:

623 322.272 Supersedeas.—The filing of a petition for
624 certiorari to the district circuit court of appeal does not
625 itself stay the enforcement of the suspension, revocation, or
626 cancellation of license. The department may order a stay of
627 enforcement upon appropriate terms and conditions.

628 Section 18. Section 322.31, Florida Statutes, is amended to
629 read:

630 322.31 Right of review.—The final orders and rulings of the
631 department by which ~~wherein~~ any person is denied a license, or
632 by which ~~where~~ such license has been canceled, suspended, or
633 revoked, are ~~shall be~~ reviewable in the manner and within the
634 time provided by the Florida Rules of Appellate Procedure only
635 by a writ of certiorari issued by the district circuit court of
636 appeal ~~in the county wherein such person shall reside~~, in the
637 manner prescribed by the Florida Rules of Appellate Procedure,
638 any provision in chapter 120 to the contrary notwithstanding.

24-01569A-20

20201510__

639 Section 19. Subsection (13) of section 322.64, Florida
640 Statutes, is amended to read:

641 322.64 Holder of commercial driver license; persons
642 operating a commercial motor vehicle; driving with unlawful
643 blood-alcohol level; refusal to submit to breath, urine, or
644 blood test.—

645 (13) A person may appeal any decision of the department
646 sustaining the disqualification from operating a commercial
647 motor vehicle by a petition for writ of certiorari to the
648 district circuit court of appeal for the appellate district for
649 in the county in which the ~~wherein such~~ person resides or in
650 which ~~wherein~~ a formal or informal review was conducted pursuant
651 to s. 322.31. However, an appeal does ~~shall~~ not stay the
652 disqualification. This subsection does ~~shall~~ not ~~be construed to~~
653 provide for a de novo review.

654 Section 20. Subsection (7) of section 327.73, Florida
655 Statutes, is amended to read:

656 327.73 Noncriminal infractions.—

657 (7) If a person is found by the hearing official to have
658 committed an infraction, he or she may appeal that finding to
659 the district circuit court of appeal.

660 Section 21. Subsection (1) of section 333.11, Florida
661 Statutes, is amended to read:

662 333.11 Judicial review.—

663 (1) Any person, political subdivision, or joint airport
664 zoning board affected by a decision of a political subdivision
665 or its administrative agency may apply for judicial relief to
666 the district circuit court of appeal for the appellate district
667 in which ~~in the judicial circuit where~~ the political subdivision

24-01569A-20

20201510__

668 is located within 30 days after rendition of the decision.
669 Review shall be by petition for writ of certiorari, which shall
670 be governed by the Florida Rules of Appellate Procedure.

671 Section 22. Subsection (5) of section 336.41, Florida
672 Statutes, is amended to read:

673 336.41 Counties; employing labor and providing road
674 equipment; accounting; when competitive bidding required.-

675 (5) (a) For contracts in excess of \$250,000, any county may
676 require that persons interested in performing work under the
677 contract first be certified or qualified to do the work. Any
678 contractor prequalified and considered eligible to bid by the
679 department to perform the type of work described under the
680 contract shall be presumed to be qualified to perform the work
681 so described. Any contractor may be considered ineligible to bid
682 by the county if the contractor is behind an approved progress
683 schedule by 10 percent or more on another project for that
684 county at the time of the advertisement of the work. The county
685 may provide an appeal process to overcome such consideration
686 with de novo review based on the record below to the district
687 ~~circuit~~ court of appeal.

688 (b) The county shall publish prequalification criteria and
689 procedures prior to advertisement or notice of solicitation. The
690 ~~Such~~ publications must ~~shall~~ include notice of a public hearing
691 for comment on the ~~such~~ criteria and procedures prior to
692 adoption. The procedures must ~~shall~~ provide for an appeal
693 process within the county for objections to the prequalification
694 process with de novo review based on the record below to the
695 district ~~circuit~~ court of appeal.

696 (c) The county shall also publish for comment, prior to

24-01569A-20

20201510__

697 adoption, the selection criteria and procedures to be used by
698 the county if the ~~such~~ procedures would allow selection of other
699 than the lowest responsible bidder. The selection criteria must
700 ~~shall~~ include an appeal process within the county with de novo
701 review based on the record below to the district ~~circuit~~ court
702 of appeal.

703 Section 23. Subsection (9) of section 337.14, Florida
704 Statutes, is amended to read:

705 337.14 Application for qualification; certificate of
706 qualification; restrictions; request for hearing.—

707 (9) (a) Notwithstanding any other law to the contrary, for
708 contracts in excess of \$250,000, an authority created pursuant
709 to chapter 348 or chapter 349 may require that persons
710 interested in performing work under contract first be certified
711 or qualified to do the work. Any contractor may be considered
712 ineligible to bid by the governmental entity or authority if the
713 contractor is behind an approved progress schedule for the
714 governmental entity or authority by 10 percent or more at the
715 time of advertisement of the work. Any contractor prequalified
716 and considered eligible by the department to bid to perform the
717 type of work described under the contract shall be presumed to
718 be qualified to perform the work so described. The governmental
719 entity or authority may provide an appeal process to overcome
720 that presumption with de novo review based on the record below
721 to the district ~~circuit~~ court of appeal.

722 (b) With respect to contractors not prequalified with the
723 department, the authority shall publish prequalification
724 criteria and procedures prior to advertisement or notice of
725 solicitation. The ~~Such~~ publications must ~~shall~~ include notice of

24-01569A-20

20201510__

726 a public hearing for comment on the ~~such~~ criteria and procedures
727 prior to adoption. The procedures must ~~shall~~ provide for an
728 appeal process within the authority for objections to the
729 prequalification process with de novo review based on the record
730 below to the district circuit ~~circuit~~ court of appeal within 30 days.

731 (c) An authority may establish criteria and procedures
732 under which contractor selection may occur on a basis other than
733 the lowest responsible bidder. Prior to adoption, the authority
734 shall publish for comment the proposed criteria and procedures.
735 Review of the adopted criteria and procedures shall be to the
736 district circuit ~~circuit~~ court of appeal, within 30 days after adoption,
737 with de novo review based on the record below.

738 Section 24. Subsection (3) of section 337.404, Florida
739 Statutes, is amended to read:

740 337.404 Removal or relocation of utility facilities; notice
741 and order; court review.—

742 (3) The owner may obtain judicial review of the final order
743 of the authority within the time and in the manner provided by
744 the Florida Rules of Appellate Procedure by filing in the
745 district circuit ~~circuit~~ court of appeal for the appellate district ~~the~~
746 ~~county~~ in which the utility was relocated a petition for a writ
747 of certiorari in the manner prescribed by the appellate ~~said~~
748 rules or in the manner provided by chapter 120 if ~~when~~ the
749 respondent is an agency for purposes of chapter 120.

750 Section 25. Paragraph (g) of subsection (5) of section
751 376.065, Florida Statutes, is amended to read:

752 376.065 Operation of terminal facility without discharge
753 prevention and response certificate prohibited; penalty.—

754 (5)

24-01569A-20

20201510__

755 (g) A person who is found by the hearing official to have
756 committed an infraction may appeal that finding to the district
757 ~~ircuit~~ court of appeal.

758 Section 26. Paragraph (f) of subsection (3) of section
759 376.07, Florida Statutes, is amended to read:

760 376.07 Regulatory powers of department; penalties for
761 inadequate booming by terminal facilities.-

762 (3) The department shall not require vessels to maintain
763 discharge prevention gear, holding tanks, and containment gear
764 which exceed federal requirements. However, a terminal facility
765 transferring heavy oil to or from a vessel with a heavy oil
766 storage capacity greater than 10,000 gallons shall be required,
767 considering existing weather and tidal conditions, to adequately
768 boom or seal off the transfer area during a transfer, including,
769 but not limited to, a bunkering operation, to minimize the
770 escape of such pollutants from the containment area. As used in
771 this subsection, the term "adequate booming" means booming with
772 proper containment equipment which is employed and located for
773 the purpose of preventing, for the most likely discharge, as
774 much of the pollutant as possible from escaping out of the
775 containment area.

776 (f) A person who is found by the hearing official to have
777 committed an infraction may appeal that finding to the district
778 ~~ircuit~~ court of appeal.

779 Section 27. Paragraph (g) of subsection (2) of section
780 376.071, Florida Statutes, is amended to read:

781 376.071 Discharge contingency plan for vessels.-

782 (2)

783 (g) A person who is found by the hearing official to have

24-01569A-20

20201510__

784 committed an infraction may appeal that finding to the district
785 ~~ircuit~~ court of appeal.

786 Section 28. Subsection (10) of section 376.16, Florida
787 Statutes, is amended to read:

788 376.16 Enforcement and penalties.—

789 (10) A person who is found by a hearing official to have
790 committed an infraction may appeal that finding to the district
791 ~~ircuit~~ court of appeal.

792 Section 29. Paragraph (h) of subsection (1) of section
793 379.401, Florida Statutes, is amended to read:

794 379.401 Penalties and violations; civil penalties for
795 noncriminal infractions; criminal penalties; suspension and
796 forfeiture of licenses and permits.—

797 (1) LEVEL ONE VIOLATIONS.—

798 (h) A person who elects to appear before the county court
799 or who is required to appear before the county court shall be
800 deemed to have waived the limitations on civil penalties
801 provided under paragraphs (c) and (d). After a hearing, the
802 county court shall determine if a Level One violation has been
803 committed, and if so, may impose a civil penalty of not less
804 than \$50 for a first-time violation, and not more than \$500 for
805 subsequent violations. A person found guilty of committing a
806 Level One violation may appeal that finding to the district
807 ~~ircuit~~ court of appeal. The commission of a violation must be
808 proved beyond a reasonable doubt.

809 Section 30. Paragraph (j) of subsection (1) of section
810 379.4015, Florida Statutes, is amended to read:

811 379.4015 Nonnative and captive wildlife penalties.—

812 (1) LEVEL ONE.—Unless otherwise provided by law, the

24-01569A-20

20201510__

813 following classifications and penalties apply:

814 (j) If a person is found by the hearing official to have
815 committed an infraction, she or he may appeal that finding to
816 the district circuit court of appeal.

817 Section 31. Paragraph (a) of subsection (2) of section
818 379.412, Florida Statutes, is amended to read:

819 379.412 Penalties for feeding wildlife and freshwater
820 fish.—

821 (2) A person who violates a prohibition or restriction
822 identified in subsection (1):

823 (a) For a first violation, commits a noncriminal
824 infraction, punishable by a civil penalty of \$100.

825 1. A person cited for a violation under this paragraph
826 shall sign and accept a citation to appear before the county
827 court. The issuing officer may indicate on the citation the time
828 and location of the scheduled hearing and shall indicate the
829 applicable civil penalty.

830 2. A person cited for a violation may pay the civil penalty
831 by mail or in person within 30 days after receipt of the
832 citation. If the civil penalty is paid, the person is deemed to
833 have admitted committing the violation and to have waived his or
834 her right to a hearing before the county court. The ~~Such~~
835 admission may not be used as evidence in any other proceedings
836 except to determine the appropriate fine for any subsequent
837 violations.

838 3. A person who refuses to accept a citation, who fails to
839 pay the civil penalty for a violation, or who fails to appear
840 before a county court as required commits a misdemeanor of the
841 second degree, punishable as provided in s. 775.082 or s.

24-01569A-20

20201510__

842 775.083.

843 4. A person who elects to appear before the county court or
844 who is required to appear before the county court is deemed to
845 have waived the limitations on civil penalties provided under
846 this paragraph. After a hearing, the county court shall
847 determine if a violation has been committed, and if so, may
848 impose a civil penalty of not less than \$100. A person found
849 guilty of committing a violation may appeal that finding to the
850 district circuit court of appeal. The commission of a violation
851 must be proved beyond a reasonable doubt.

852 Section 32. Paragraph (a) of subsection (2) of section
853 408.40, Florida Statutes, is amended to read:

854 408.40 Public Counsel.—

855 (2) The Public Counsel shall:

856 (a) Recommend to the agency, by petition, the commencement
857 of any proceeding or action or to appear, in the name of the
858 state or its citizens, in any proceeding or action before the
859 agency and urge therein any position that he or she deems to be
860 in the public interest, whether consistent or inconsistent with
861 positions previously adopted by the agency, and use therein all
862 forms of discovery available to attorneys in civil actions
863 generally, subject to protective orders of the agency, which are
864 ~~shall be reviewable by summary procedure~~ in the appellate
865 ~~circuit~~ courts of this state.

866 Section 33. Paragraph (j) of subsection (5) of section
867 489.127, Florida Statutes, is amended to read:

868 489.127 Prohibitions; penalties.—

869 (5) Each county or municipality may, at its option,
870 designate one or more of its code enforcement officers, as

24-01569A-20

20201510__

871 defined in chapter 162, to enforce, as set out in this
872 subsection, the provisions of subsection (1) and s. 489.132(1)
873 against persons who engage in activity for which a county or
874 municipal certificate of competency or license or state
875 certification or registration is required.

876 (j) An aggrieved party, including the local governing body,
877 may appeal a final administrative order of an enforcement board
878 or licensing board or designated special magistrate to the
879 district circuit court of appeal. ~~The Such an appeal may shall~~
880 not be a hearing de novo but must shall be limited to appellate
881 review of the record created before the enforcement board or
882 licensing board or designated special magistrate. An appeal must
883 ~~shall~~ be filed within 30 days after ~~of~~ the execution of the
884 order to be appealed.

885 Section 34. Paragraph (j) of subsection (4) of section
886 489.531, Florida Statutes, is amended to read:

887 489.531 Prohibitions; penalties.-

888 (4) Each county or municipality may, at its option,
889 designate one or more of its code enforcement officers, as
890 defined in chapter 162, to enforce, as set out in this
891 subsection, the provisions of subsection (1) against persons who
892 engage in activity for which county or municipal certification
893 is required.

894 (j) An aggrieved party, including the local governing body,
895 may appeal a final administrative order of an enforcement or
896 licensing board or designated special magistrate to the district
897 ~~circuit~~ court of appeal. ~~The Such an appeal may shall~~ not be a
898 hearing de novo but must shall be limited to appellate review of
899 the record created before the enforcement or licensing board or

24-01569A-20

20201510__

900 designated special magistrate. An appeal must ~~shall~~ be filed
901 within 30 days of the execution of the order to be appealed.

902 Section 35. Paragraphs (h) and (i) of subsection (1) of
903 section 556.107, Florida Statutes, are amended to read:

904 556.107 Violations.—

905 (1) NONCRIMINAL INFRACTIONS.—

906 (h) If a person is found by a judge or hearing official to
907 have committed an infraction, the person may appeal that finding
908 to the district ~~circuit~~ court of appeal.

909 (i) Sunshine State One-Call of Florida, Inc., may, at its
910 own cost, retain an attorney to assist in the presentation of
911 relevant facts and law in the county court proceeding pertaining
912 to the citation issued under this section. The corporation may
913 also appear in any case appealed to the district ~~circuit~~ court
914 of appeal if a county court judge finds that an infraction of
915 the chapter was committed. An appellant ~~in the circuit court~~
916 ~~proceeding~~ shall timely notify the corporation of any appeal
917 under this section.

918 Section 36. Subsection (6) of section 569.005, Florida
919 Statutes, is amended to read:

920 569.005 Operating without a retail tobacco products dealer
921 permit; penalty.—

922 (6) If a person is found by the court to have committed the
923 infraction, that person may appeal that finding to the district
924 ~~circuit~~ court of appeal.

925 Section 37. Section 605.0716, Florida Statutes, is amended
926 to read:

927 605.0716 Judicial review of denial of reinstatement.—

928 (1) If the department denies a limited liability company's

24-01569A-20

20201510__

929 application for reinstatement after administrative dissolution,
930 the department shall serve the company with a notice in a record
931 that explains the reason or reasons for the denial.

932 (2) Within 30 days after service of a notice of denial of
933 reinstatement, a limited liability company may appeal the denial
934 to the First District Court of Appeal by petitioning the court
935 ~~Circuit Court of Leon County~~ to set aside the dissolution. The
936 petition must be served on the department and contain a copy of
937 the department's notice of administrative dissolution, the
938 company's application for reinstatement, and the department's
939 notice of denial.

940 (3) The ~~circuit~~ court may order the department to reinstate
941 a dissolved limited liability company or take other action the
942 court considers appropriate.

943 (4) The ~~circuit~~ court's final decision may be appealed as
944 in other civil proceedings.

945 Section 38. Section 605.09091, Florida Statutes, is amended
946 to read:

947 605.09091 Judicial review of denial of reinstatement.—

948 (1) If the department denies a foreign limited liability
949 company's application for reinstatement after revocation of its
950 certificate of authority, the department shall serve the foreign
951 limited liability company, pursuant to s. 605.0117(7), with a
952 written notice that explains the reason or reasons for the
953 denial.

954 (2) Within 30 days after service of a notice of denial of
955 reinstatement, a foreign limited liability company may appeal
956 the denial to the First District Court of Appeal by petitioning
957 the court ~~Circuit Court of Leon County~~ to set aside the

24-01569A-20

20201510__

958 revocation. The petition must be served on the department and
959 must contain a copy of the department's notice of revocation,
960 the foreign limited liability company's application for
961 reinstatement, and the department's notice of denial.

962 (3) The ~~circuit~~ court may order the department to reinstate
963 the certificate of authority of the foreign limited liability
964 company or take other action the court considers appropriate.

965 (4) The ~~circuit~~ court's final decision may be appealed as
966 in other civil proceedings.

967 Section 39. Section 607.0126, Florida Statutes, is amended
968 to read:

969 607.0126 Appeal from department's refusal to file
970 document.—If the department refuses to file a document delivered
971 to its office for filing, the person who submitted the document
972 for filing may petition the First District Court of Appeal
973 ~~Circuit Court of Leon County~~ to compel filing of the document.
974 The document and the explanation from the department of the
975 refusal to file must be attached to the petition. The court may
976 decide the matter in a summary proceeding, and the court may
977 summarily order the department to file the document or take
978 other action the court considers appropriate. The court's final
979 decision may be appealed as in other civil proceedings.

980 Section 40. Subsection (2) of section 607.1423, Florida
981 Statutes, is amended to read:

982 607.1423 Judicial review of denial of reinstatement.—

983 (2) Within 30 days after service of a notice of denial of
984 reinstatement, a corporation may appeal the denial by
985 petitioning the First District Court of Appeal ~~Circuit Court of~~
986 ~~Leon County~~ to set aside the dissolution. The petition must be

24-01569A-20

20201510__

987 served on the department and contain a copy of the department's
988 notice of administrative dissolution, the corporation's
989 application for reinstatement, and the department's notice of
990 denial.

991 Section 41. Section 607.1532, Florida Statutes, is amended
992 to read:

993 607.1532 Judicial review of denial of reinstatement.—

994 (1) If the department denies a foreign corporation's
995 application for reinstatement after revocation of its
996 certificate of authority, the department shall serve the foreign
997 corporation under s. 607.15101 with a written notice that
998 explains the reason or reasons for the denial.

999 (2) Within 30 days after service of a notice of denial of
1000 reinstatement, a foreign corporation may appeal the denial by
1001 petitioning the First District Court of Appeal ~~Circuit Court of~~
1002 ~~Leon County~~ to set aside the revocation. The petition must be
1003 served on the department and contain a copy of the department's
1004 notice of revocation, the foreign corporation's application for
1005 reinstatement, and the department's notice of denial.

1006 (3) The ~~circuit~~ court may order the department to reinstate
1007 the certificate of authority of the foreign corporation or take
1008 other action the court considers appropriate.

1009 (4) The ~~circuit~~ court's final decision may be appealed as
1010 in other civil proceedings.

1011 Section 42. Subsection (2) of section 620.1811, Florida
1012 Statutes, is amended to read:

1013 620.1811 Appeal from denial of reinstatement.—

1014 (2) Within 30 days after service of the notice of denial,
1015 the limited partnership may appeal from the denial of

24-01569A-20

20201510__

1016 reinstatement by petitioning the district ~~circuit~~ court of
1017 appeal to set aside the dissolution. The petition must be served
1018 on the Department of State and contain a copy of the Department
1019 of State's declaration of dissolution, the limited partnership's
1020 application for reinstatement, and the Department of State's
1021 notice of denial.

1022 Section 43. Subsection (1) of section 717.1242, Florida
1023 Statutes, is amended to read:

1024 717.1242 Restatement of jurisdiction of the circuit court
1025 sitting in probate and the department.—

1026 (1) It is and has been the intent of the Legislature that,
1027 pursuant to s. 26.012(1)(b) ~~s. 26.012(2)(b)~~, circuit courts have
1028 jurisdiction of proceedings relating to the settlement of the
1029 estates of decedents and other jurisdiction usually pertaining
1030 to courts of probate. It is and has been the intent of the
1031 Legislature that, pursuant to s. 717.124, the department
1032 determines the merits of claims for property paid or delivered
1033 to the department under this chapter. Consistent with this
1034 legislative intent, any estate or beneficiary, as defined in s.
1035 731.201, of an estate seeking to obtain property paid or
1036 delivered to the department under this chapter must file a claim
1037 with the department as provided in s. 717.124.

1038 Section 44. Subsection (5) of section 723.0612, Florida
1039 Statutes, is amended to read:

1040 723.0612 Change in use; relocation expenses; payments by
1041 park owner.—

1042 (5) Actions of the Florida Mobile Home Relocation
1043 Corporation under this section are not subject to ~~the provisions~~
1044 ~~of~~ chapter 120 but are reviewable only by writ of certiorari in

24-01569A-20

20201510__

1045 the district ~~circuit~~ court of appeal in the appellate district
1046 ~~county~~ in which the claimant resides in the manner and within
1047 the time provided by the Florida Rules of Appellate Procedure.

1048 Section 45. Subsection (4) of section 767.12, Florida
1049 Statutes, is amended to read:

1050 767.12 Classification of dogs as dangerous; certification
1051 of registration; notice and hearing requirements; confinement of
1052 animal; exemption; appeals; unlawful acts.-

1053 (4) Upon a dangerous dog classification and penalty
1054 becoming final after a hearing or by operation of law pursuant
1055 to subsection (3), the animal control authority shall provide a
1056 written final order to the owner by registered mail, certified
1057 hand delivery or service. The owner may appeal the
1058 classification, penalty, or both, to the district ~~circuit~~ court
1059 of appeal in accordance with the Florida Rules of Appellate
1060 Procedure after receipt of the final order. If the dog is not
1061 held by the animal control authority, the owner must confine the
1062 dog in a securely fenced or enclosed area pending resolution of
1063 the appeal. Each applicable local governing authority must
1064 establish appeal procedures that conform to this subsection.

1065 Section 46. Section 924.08, Florida Statutes, is repealed.

1066 Section 47. This act shall take effect January 1, 2021.