

By the Committee on Judiciary; and Senator Brandes

590-02410-20

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1 A bill to be entitled
2 An act relating to the jurisdiction of courts;
3 amending s. 26.012, F.S.; limiting the appellate
4 jurisdiction of the circuit courts to appeals from
5 final administrative orders of local code enforcement
6 boards and other reviews and appeals expressly
7 provided by law; amending s. 34.017, F.S.; authorizing
8 a county court to certify a question to a district
9 court of appeal in a final judgment that is appealable
10 to a circuit court; amending s. 35.065, F.S.;
11 authorizing a district court of appeal to review
12 certain questions certified by a county court;
13 repealing s. 924.08, F.S., relating to the
14 jurisdiction of the circuit court to hear appeals from
15 final judgments in misdemeanor cases; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 26.012, Florida Statutes, is amended to
21 read:

22 26.012 Jurisdiction of circuit court.-

23 ~~(1) Circuit courts shall have jurisdiction of appeals from~~
24 ~~county courts except:~~

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27 ~~repealed on January 1, 2023.~~

28 ~~(b) Appeals of county court orders or judgments declaring~~
29 ~~invalid a state statute or a provision of the State~~

590-02410-20

20201510c1

30 Constitution.

31 ~~(c) Orders or judgments of a county court which are~~
32 ~~certified by the county court to the district court of appeal to~~
33 ~~be of great public importance and which are accepted by the~~
34 ~~district court of appeal for review.~~ Circuit courts shall have
35 jurisdiction of appeals from final administrative orders of
36 local government code enforcement boards and of reviews and
37 appeals as otherwise expressly provided by law.

38 (2) Circuit courts ~~They~~ shall have exclusive original
39 jurisdiction:

40 (a) In all actions at law not cognizable by the county
41 courts;

42 (b) Of proceedings relating to the settlement of the
43 estates of decedents and minors, the granting of letters
44 testamentary, guardianship, involuntary hospitalization, the
45 determination of incompetency, and other jurisdiction usually
46 pertaining to courts of probate;

47 (c) In all cases in equity including all cases relating to
48 juveniles except traffic offenses as provided in chapters 316
49 and 985;

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

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

54 (f) In actions of ejectment; and

55 (g) In all actions involving the title and boundaries of
56 real property.

57 (3) The circuit court may issue injunctions.

58 (4) The chief judge of a circuit may authorize a county

590-02410-20

20201510c1

59 court judge to order emergency hospitalizations pursuant to part
60 I of chapter 394 in the absence from the county of the circuit
61 judge; and the county court judge shall have the power to issue
62 all temporary orders and temporary injunctions necessary or
63 proper to the complete exercise of such jurisdiction.

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

65 Section 2. Section 34.017, Florida Statutes, is amended to
66 read:

67 34.017 Certification of questions to district court of
68 appeal.—

69 (1) A county court may ~~is permitted to~~ certify a question
70 to the district court of appeal in a final judgment that is
71 appealable to the circuit court if the question may have
72 statewide application, and:

73 (a) Is of great public importance; or

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

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

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

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

78 (3) The decision to certify the question to the district
79 court of appeal is within the sole discretion of the county
80 court.

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

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

86 (b) If the district court declines to answer the certified
87 question, the case shall be transferred to the circuit court

590-02410-20

20201510c1

88 which has appellate jurisdiction.

89 Section 3. Section 35.065, Florida Statutes, is amended to
90 read:

91 35.065 Review of judgment or order certified by county
92 court to be of great public importance.—Pursuant to s. 34.017, a
93 district court of appeal may review any order or judgment of a
94 county court which is certified by the county court to be of
95 great public importance.

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

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