

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fernandez-Barquin offered the following:

Amendment (with title amendment)

Remove line 145 and insert:

Section 3. Effective January 1, 2021, subsections (1) and (2) of section 26.012, Florida Statutes, are 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 This paragraph is repealed on January 1, 2023.~~

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

23 (2) Circuit courts ~~They shall~~ have exclusive original
24 jurisdiction:

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

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

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

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

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

39 (f) In actions of ejectment; and

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

42 Section 4. Effective January 1, 2021, subsections (2) and
43 (4) of section 27.51, Florida Statutes, are amended to read:

44 27.51 Duties of public defender.—

45 (2) The court may not appoint the public defender to
46 represent, even on a temporary basis, any person who is not
47 indigent. The court, however, may appoint private counsel in
48 capital cases as provided in ss. 27.40 and 27.5303. The public
49 defender may not be appointed to simultaneously represent a
50 person in any case where private counsel has been retained.

51 (4) The public defender for the judicial circuit specified
52 in this subsection shall, after the record on appeal is
53 transmitted to the appellate court by the office of the public
54 defender which handled the trial and if requested by any public
55 defender within the indicated appellate district, handle all
56 circuit court and county court appeals within the state courts
57 system and any authorized appeals to the federal courts required
58 of the official making such request:

59 (a) Public defender of the second judicial circuit, on
60 behalf of any public defender within the district comprising the
61 First District Court of Appeal.

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62 (b) Public defender of the tenth judicial circuit, on
63 behalf of any public defender within the district comprising the
64 Second District Court of Appeal.

65 (c) Public defender of the eleventh judicial circuit, on
66 behalf of any public defender within the district comprising the
67 Third District Court of Appeal.

68 (d) Public defender of the fifteenth judicial circuit, on
69 behalf of any public defender within the district comprising the
70 Fourth District Court of Appeal.

71 (e) Public defender of the seventh judicial circuit, on
72 behalf of any public defender within the district comprising the
73 Fifth District Court of Appeal.

74 Section 5. Effective January 1, 2021, subsection (8) of
75 section 27.511, Florida Statutes, is amended to read:

76 27.511 Offices of criminal conflict and civil regional
77 counsel; legislative intent; qualifications; appointment;
78 duties.—

79 (8) The public defender for the judicial circuit specified
80 in s. 27.51(4) shall, after the record on appeal is transmitted
81 to the appellate court by the office of criminal conflict and
82 civil regional counsel which handled the trial and if requested
83 by the regional counsel for the indicated appellate district,
84 handle all circuit court and county court appeals authorized
85 pursuant to paragraph (5) (f) within the state courts system and
86 any authorized appeals to the federal courts required of the

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87 official making the request. If the public defender certifies to
88 the court that the public defender has a conflict consistent
89 with the criteria prescribed in s. 27.5303 and moves to
90 withdraw, the regional counsel shall handle the appeal, unless
91 the regional counsel has a conflict, in which case the court
92 shall appoint private counsel pursuant to s. 27.40.

93 Section 6. Effective January 1, 2021, subsection (1) of
94 section 34.017, Florida Statutes, is amended to read:

95 34.017 Certification of questions to district court of
96 appeal.—

97 (1) A county court ~~may is permitted to~~ certify a question
98 to the district court of appeal in a final judgment that is
99 appealable to the circuit court if the question may have
100 statewide application, and:

101 (a) Is of great public importance; or

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

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

105 35.065 Review of judgment or order certified by county
106 court to be of great public importance.—Pursuant to s. 34.017, a
107 district court of appeal may review any order or judgment of a
108 county court which is certified by the county court to be of
109 great public importance.

110 Section 8. Effective January 1, 2021, section 924.08,
111 Florida Statutes, is repealed.

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112 Section 9. For the 2020-2021 fiscal year, the sum of
 113 \$209,929 in recurring funds is appropriated from the State
 114 Courts Revenue Trust Fund to the state courts system for
 115 additional support staffing needed to implement the provisions
 116 in this act relating to the jurisdiction of appellate courts.

117 Section 10. Except as otherwise expressly provided in this
 118 act, this act shall take effect July 1, 2020.

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

123 Remove lines 2-27 and insert:
 124 An act relating to courts; amending s. 25.025, F.S.;
 125 revising provisions governing the payment of
 126 subsistence and travel reimbursement for Supreme Court
 127 justices who designate an official headquarters other
 128 than the headquarters of the Supreme Court;
 129 authorizing the Chief Justice of the Supreme Court to
 130 establish certain parameters in administering the act;
 131 providing for construction; creating s. 35.051, F.S.;
 132 authorizing district court of appeal judges who meet
 133 certain criteria to have an appropriate facility in
 134 their county of residence designated as their official
 135 headquarters; providing restrictions; specifying
 136 eligibility for subsistence and travel reimbursement,

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137 subject to the availability of funds; requiring the
138 Chief Justice to coordinate with certain officials in
139 implementing the act; providing that a county is not
140 required to provide space for a judge in a county
141 courthouse; authorizing counties to enter into
142 agreements with a district court of appeal for use of
143 county courthouse space; prohibiting a district court
144 of appeal from using state funds to lease space to
145 establish a judge's official headquarters; authorizing
146 the Chief Justice to establish certain parameters in
147 administering the act; providing for construction;
148 amending s. 26.012, F.S.; limiting the appellate
149 jurisdiction of the circuit courts to appeals from
150 final administrative orders of local code enforcement
151 boards and other reviews and appeals expressly
152 provided by law; amending s. 27.51, F.S.; prohibiting
153 a public defender from being appointed to
154 simultaneously represent a person in any case where
155 private counsel has been retained; requiring public
156 defenders to handle all county court appeals within
157 the state courts system; amending s. 27.511, F.S.;
158 requiring public defenders to handle county court
159 appeals transmitted from the criminal conflict and
160 civil regional counsel; amending s. 34.017, F.S.;
161 authorizing a county court to certify a question to a

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162 district court of appeal in a final judgment that is
163 appealable to a circuit court; amending s. 35.065,
164 F.S.; authorizing a district court of appeal to review
165 certain questions certified by a county court;
166 repealing s. 924.08, F.S., relating to the
167 jurisdiction of the circuit court to hear appeals from
168 final judgments in misdemeanor cases; providing an
169 appropriation; providing effective dates.

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