

1 A bill to be entitled
2 An act relating to the jurisdiction of appellate
3 courts; amending s. 26.012, F.S.; limiting the
4 appellate jurisdiction of the circuit courts to
5 appeals from final administrative orders of local code
6 enforcement boards and other reviews and appeals
7 expressly provided by law; amending s. 27.51, F.S.;
8 requiring public defenders to handle all county court
9 appeals within the state courts system;
10 amending s. 27.511, F.S.; requiring public defenders
11 to handle county court appeals transmitted from the
12 criminal conflict and civil regional counsel; amending
13 s. 34.017, F.S.; authorizing a county court to certify
14 a question to a district court of appeal in a final
15 judgment that is appealable to a circuit court;
16 amending s. 35.065, F.S.; authorizing a district court
17 of appeal to review certain questions certified by a
18 county court; repealing s. 924.08, F.S., relating to
19 the jurisdiction of the circuit court to hear appeals
20 from final judgments in misdemeanor cases; providing
21 an appropriation; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:
24

25 Section 1. Subsections (1) and (2) of section 26.012,

26 Florida Statutes, are amended to read:

27 26.012 Jurisdiction of circuit court.—

28 (1) ~~Circuit courts shall have jurisdiction of appeals from~~
 29 ~~county courts except:~~

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 32 ~~repealed on January 1, 2023.~~

33 ~~(b) Appeals of county court orders or judgments declaring~~
 34 ~~invalid a state statute or a provision of the State~~
 35 ~~Constitution.~~

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

43 (2) Circuit courts ~~They shall~~ have exclusive original
 44 jurisdiction:

45 (a) In all actions at law not cognizable by the county
 46 courts;

47 (b) Of proceedings relating to the settlement of the
 48 estates of decedents and minors, the granting of letters
 49 testamentary, guardianship, involuntary hospitalization, the
 50 determination of incompetency, and other jurisdiction usually

51 | pertaining to courts of probate;

52 | (c) In all cases in equity including all cases relating to
53 | juveniles except traffic offenses as provided in chapters 316
54 | and 985;

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

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

59 | (f) In actions of ejectment; and

60 | (g) In all actions involving the title and boundaries of
61 | real property.

62 | Section 2. Subsection (4) of section 27.51, Florida
63 | Statutes, is amended to read:

64 | 27.51 Duties of public defender.—

65 | (4) The public defender for the judicial circuit specified
66 | in this subsection shall, after the record on appeal is
67 | transmitted to the appellate court by the office of the public
68 | defender which handled the trial and if requested by any public
69 | defender within the indicated appellate district, handle all
70 | circuit court and county court appeals within the state courts
71 | system and any authorized appeals to the federal courts required
72 | of the official making such request:

73 | (a) Public defender of the second judicial circuit, on
74 | behalf of any public defender within the district comprising the
75 | First District Court of Appeal.

76 (b) Public defender of the tenth judicial circuit, on
 77 behalf of any public defender within the district comprising the
 78 Second District Court of Appeal.

79 (c) Public defender of the eleventh judicial circuit, on
 80 behalf of any public defender within the district comprising the
 81 Third District Court of Appeal.

82 (d) Public defender of the fifteenth judicial circuit, on
 83 behalf of any public defender within the district comprising the
 84 Fourth District Court of Appeal.

85 (e) Public defender of the seventh judicial circuit, on
 86 behalf of any public defender within the district comprising the
 87 Fifth District Court of Appeal.

88 Section 3. Subsection (8) of section 27.511, Florida
 89 Statutes, is amended to read:

90 27.511 Offices of criminal conflict and civil regional
 91 counsel; legislative intent; qualifications; appointment;
 92 duties.—

93 (8) The public defender for the judicial circuit specified
 94 in s. 27.51(4) shall, after the record on appeal is transmitted
 95 to the appellate court by the office of criminal conflict and
 96 civil regional counsel which handled the trial and if requested
 97 by the regional counsel for the indicated appellate district,
 98 handle all circuit court and county court appeals authorized
 99 pursuant to paragraph (5) (f) within the state courts system and
 100 any authorized appeals to the federal courts required of the

101 official making the request. If the public defender certifies to
 102 the court that the public defender has a conflict consistent
 103 with the criteria prescribed in s. 27.5303 and moves to
 104 withdraw, the regional counsel shall handle the appeal, unless
 105 the regional counsel has a conflict, in which case the court
 106 shall appoint private counsel pursuant to s. 27.40.

107 Section 4. Subsection (1) of section 34.017, Florida
 108 Statutes, is amended to read:

109 34.017 Certification of questions to district court of
 110 appeal.—

111 (1) A county court may ~~is permitted to~~ certify a question
 112 to the district court of appeal in a final judgment that is
 113 appealable to the circuit court if the question may have
 114 statewide application, and:

- 115 (a) Is of great public importance; or
- 116 (b) Will affect the uniform administration of justice.

117 Section 5. Section 35.065, Florida Statutes, is amended to
 118 read:

119 35.065 Review of judgment or order certified by county
 120 court to be of great public importance.—Pursuant to s. 34.017, a
 121 district court of appeal may review any order or judgment of a
 122 county court which is certified by the county court to be of
 123 great public importance.

124 Section 6. Section 924.08, Florida Statutes, is repealed.

125 Section 7. For the 2020-2021 fiscal year, the sum of

CS/HB 7059

2020

126 | \$209,929 in recurring funds is appropriated from the State
127 | Courts Revenue Trust Fund to the state courts system for
128 | additional support staffing needed to implement the provisions
129 | in this act.

130 | Section 8. This act shall take effect January 1, 2021.