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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 73 - 245

and insert:

By March 1, 2021, the Office of the State Courts Administrator shall make recommendations regarding the adjustment of county court jurisdiction to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must make recommendations regarding the adjustment of county court jurisdiction, including, but not limited to, consideration of



11 the claim value of filings in county court and circuit court,
12 case events, timeliness in processing cases, and any fiscal
13 impact to the state as a result of adjusted jurisdictional
14 limits. The clerks of the circuit court and county court shall
15 provide claim value data and necessary case event data to the
16 office to be used in development of the report. The report must
17 also include a review of fees to ensure that the court system is
18 adequately funded and a review of the appellate jurisdiction of
19 the district courts and the circuit courts.

20 Section 3. Paragraphs (a), (b), and (c) of subsection (1)
21 of section 34.041, Florida Statutes, are amended, and paragraph
22 (e) is added to that subsection, to read:

23 34.041 Filing fees.—

24 (1) (a) Filing fees are due at the time a party files a
25 pleading to initiate a proceeding or files a pleading for
26 relief. Reopen fees are due at the time a party files a pleading
27 to reopen a proceeding if at least 90 days have elapsed since
28 the filing of a final order or final judgment with the clerk. If
29 a fee is not paid upon the filing of the pleading as required
30 under this section, the clerk shall pursue collection of the fee
31 pursuant to s. 28.246. Upon the institution of any civil action,
32 suit, or proceeding in county court, the party shall pay the
33 following filing fee, not to exceed:

- 34 1. For all claims less than \$100.....\$50.
35 2. For all claims of \$100 or more but not more than
36 \$500.....\$75.
37 3. For all claims of more than \$500 but not more than
38 \$2,500.....\$170.
39 4. For all claims of more than \$2,500 but not more than



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40 \$15,000.....\$295.
41 5. For all claims more than \$15,000.....\$395.
42 ~~6.5~~ In addition, for all proceedings of garnishment,
43 attachment, replevin, and distress.....\$85.
44 ~~7.6~~ Notwithstanding subparagraphs 3. and ~~6.5~~, for all
45 claims of not more than \$1,000 filed simultaneously with an
46 action for replevin of property that is the subject of the
47 claim.....\$125.
48 ~~8.7~~ For removal of tenant action.....\$180.
49
50 The filing fee in subparagraph ~~7.6~~ is the total fee due under
51 this paragraph for that type of filing, and no other filing fee
52 under this paragraph may be assessed against such a filing.
53 (b) The first \$15 of the filing fee collected under
54 subparagraph (a)4. and the first \$10 of the filing fee collected
55 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited
56 in the State Courts Revenue Trust Fund. By the 10th day of each
57 month, the clerk shall submit that portion of the fees collected
58 in the previous month which is in excess of one-twelfth of the
59 clerk's total budget for the performance of court-related
60 functions to the Department of Revenue for deposit into the
61 Clerks of the Court Trust Fund. An additional filing fee of \$4
62 shall be paid to the clerk. The clerk shall transfer \$3.50 to
63 the Department of Revenue for deposit into the Court Education
64 Trust Fund and shall transfer 50 cents to the Department of
65 Revenue for deposit into the Administrative Trust Fund within
66 the Department of Financial Services to fund clerk education
67 provided by the Florida Clerks of Court Operations Corporation.
68 Postal charges incurred by the clerk of the county court in



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69 making service by mail on defendants or other parties shall be
70 paid by the party at whose instance service is made. Except as
71 provided in this section, filing fees and service charges for
72 performing duties of the clerk relating to the county court
73 shall be as provided in ss. 28.24 and 28.241. Except as
74 otherwise provided in this section, all filing fees shall be
75 retained as fee income of the office of the clerk of the circuit
76 court. Filing fees imposed by this section may not be added to
77 any penalty imposed by chapter 316 or chapter 318.

78 (c) A party in addition to a party described in paragraph
79 (a) who files a pleading in an original civil action in the
80 county court for affirmative relief by cross-claim,
81 counterclaim, counterpetition, or third-party complaint, or who
82 files a notice of cross-appeal or notice of joinder or motion to
83 intervene as an appellant, cross-appellant, or petitioner, shall
84 pay the clerk of court a fee of \$295 if the relief sought by the
85 party under this paragraph exceeds \$2,500 but is not more than
86 \$15,000 and \$395 if the relief sought by the party under this
87 paragraph exceeds \$15,000. The clerk shall remit the fee if the
88 relief sought by the party under this paragraph exceeds \$2,500
89 but is not more than \$15,000 to the Department of Revenue for
90 deposit into the General Revenue Fund. This fee does not apply
91 if the cross-claim, counterclaim, counterpetition, or third-
92 party complaint requires transfer of the case from county to
93 circuit court. However, the party shall pay to the clerk the
94 standard filing fee for the court to which the case is to be
95 transferred.

96 (e) Of the first \$200 in filing fees payable under
97 subparagraph (a)5., \$195 must be remitted to the Department of



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98 Revenue for deposit into the State Courts Revenue Trust Fund, \$4
99 must be remitted to the Department of Revenue for deposit into
100 the Administrative Trust Fund within the Department of Financial
101 Services and used to fund the contract with the Florida Clerks
102 of Court Operations Corporation created in s. 28.35, and \$1 must
103 be remitted to the Department of Revenue for deposit into the
104 Administrative Trust Fund within the Department of Financial
105 Services to fund audits of individual clerks' court-related
106 expenditures conducted by the Department of Financial Services.
107 By the 10th day of each month, the clerk shall submit that
108 portion of the filing fees collected pursuant to this subsection
109 in the previous month which is in excess of one-twelfth of the
110 clerk's total budget to the Department of Revenue for deposit
111 into the Clerks of the Court Trust Fund.

112 Section 4. Section 44.108, Florida Statutes, is amended to
113 read:

114 44.108 Funding of mediation and arbitration.—

115 (1) Mediation and arbitration should be accessible to all
116 parties regardless of financial status. A filing fee of \$1 is
117 levied on all proceedings in the circuit or county courts to
118 fund mediation and arbitration services which are the
119 responsibility of the Supreme Court pursuant to the provisions
120 of s. 44.106. However, the filing fee may not be levied upon an
121 appeal from the county court to the circuit court for a claim
122 that is greater than \$15,000. The clerk of the court shall
123 forward the moneys collected to the Department of Revenue for
124 deposit in the State Courts Revenue Trust Fund.

125 (2) When court-ordered mediation services are provided by a
126 circuit court's mediation program, the following fees, unless



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127 otherwise established in the General Appropriations Act, shall
128 be collected by the clerk of court:

129 (a) One-hundred twenty dollars per person per scheduled
130 session in family mediation when the parties' combined income is
131 greater than \$50,000, but less than \$100,000 per year;

132 (b) Sixty dollars per person per scheduled session in
133 family mediation when the parties' combined income is less than
134 \$50,000; or

135 (c) Sixty dollars per person per scheduled session in
136 county court cases involving an amount in controversy not
137 exceeding \$15,000.

138
139 No mediation fees shall be assessed under this subsection in
140 residential eviction cases, against a party found to be
141 indigent, or for any small claims action. Fees collected by the
142 clerk of court pursuant to this section shall be remitted to the
143 Department of Revenue for deposit into the State Courts Revenue
144 Trust Fund to fund court-ordered mediation. The clerk of court
145 may deduct \$1 per fee assessment for processing this fee. The
146 clerk of the court shall submit to the chief judge of the
147 circuit and to the Office of the State Courts Administrator, no
148 later than 30 days after the end of each quarter of the fiscal
149 year, a report specifying the amount of funds collected and
150 remitted to the State Courts Revenue Trust Fund under this
151 section and any other section during the previous quarter of the
152 fiscal year. In addition to identifying the total aggregate
153 collections and remissions from all statutory sources, the
154 report must identify collections and remissions by each
155 statutory source.



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156 Section 5. Section 45.21, Florida Statutes, is created to
157 read:

158 45.21 Reasonableness of amount in controversy; procedures.—

159 (1) In any civil action in which the court's jurisdiction
160 is dependent on the amount in controversy, the defendant may, as
161 a matter of right, demand proof of the reasonableness of the
162 amount in controversy within 30 days after the complaint is
163 filed. The defendant need not offer any evidence or argument to
164 support the demand.

165 (2) A demand pursuant to subsection (1) is deemed a
166 responsive pleading for purposes of the rules of procedure and
167 the following procedures shall apply:

168 (a) The court must promptly hold a hearing to determine
169 whether the amount in controversy as alleged in the complaint is
170 reasonable.

171 (b) At the hearing, the plaintiff must demonstrate, by a
172 preponderance of the evidence, a reasonable likelihood of
173 recovering at least the amount alleged in the complaint.

174 (c) If the court finds that the plaintiff has not made the
175 showing as required in paragraph (b), the court must transfer
176 the matter to the appropriate court.

177 Section 6. The amendments to the jurisdiction of a court
178 made by this act shall apply with respect to the date of filing
179 the cause of action, regardless of when the cause of action
180 accrued.

181 Section 7. This act shall take effect January 1, 2020.

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

184 And the title is amended as follows:



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185 Delete lines 6 - 9
186 and insert:
187 by county courts on specified dates; requiring the
188 Office of the State Courts Administrator to make
189 certain recommendations to the Governor and the
190 Legislature; requiring the office to consider certain
191 information in developing the recommendations;
192 requiring the clerks of the circuit and county court
193 to provide certain information to the office;