

**By** the Committees on Appropriations; Infrastructure and Security; and Judiciary; and Senator Brandes

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1                   A bill to be entitled  
2           An act relating to courts; amending s. 28.241, F.S.;  
3           requiring specified filing fees for appeals from  
4           certain county courts; amending s. 34.01, F.S.;  
5           increasing the jurisdictional limit for actions at law  
6           by county courts on specified dates; requiring the  
7           State Courts Administrator to submit a report  
8           containing certain recommendations and reviews to the  
9           Governor and the Legislature by a specified date;  
10          amending s. 34.041, F.S.; providing county court civil  
11          filing fees for claims of specified values; providing  
12          for distribution of the fees; amending s. 44.108,  
13          F.S.; prohibiting the levy of certain fees for  
14          mediation and arbitration services in certain cases;  
15          providing applicability; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (2) of section 28.241, Florida  
20 Statutes, is amended to read:

21           28.241 Filing fees for trial and appellate proceedings.—

22           (2) (a) Upon the institution of any appellate proceeding  
23 from any lower court to the circuit court of any such county,  
24 including appeals filed by a county or municipality as provided  
25 in s. 34.041(5), or from the circuit court to an appellate court  
26 of the state, the clerk shall charge and collect from the party  
27 or parties instituting such appellate proceedings:

28           1. A filing fee not to exceed \$280 for filing a notice of  
29 appeal from the county court to the circuit court, excluding a

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30 civil case in which the matter in controversy was more than  
 31 \$15,000.

32 2. A filing fee not to exceed \$400 for filing a notice of  
 33 appeal from the county court to the circuit court for a civil  
 34 case in which the matter in controversy was more than \$15,000.  
 35 The clerk shall remit \$270 of each filing fee collected under  
 36 this subparagraph to the Department of Revenue for deposit into  
 37 the General Revenue Fund and the clerk shall remit \$50 of each  
 38 filing fee to the Department of Revenue for deposit into the  
 39 State Courts Revenue Trust Fund to fund court operations as  
 40 authorized in the General Appropriations Act. The clerk shall  
 41 retain an accounting of each such remittance. ~~and,~~

42 3. In addition to the filing fee required under s. 25.241  
 43 or s. 35.22, \$100 for filing a notice of appeal from the circuit  
 44 court to the district court of appeal or to the Supreme Court.

45 (b) If the party is determined to be indigent, the clerk  
 46 shall defer payment of the fee otherwise required by this  
 47 subsection.

48 Section 2. Subsection (1) of section 34.01, Florida  
 49 Statutes, is amended to read:

50 34.01 Jurisdiction of county court.—

51 (1) County courts shall have original jurisdiction:

52 (a) In all misdemeanor cases not cognizable by the circuit  
 53 courts. ~~†~~

54 (b) Of all violations of municipal and county ordinances. ~~†~~

55 (c) Of all actions at law, except those within the  
 56 exclusive jurisdiction of the circuit courts, in which the  
 57 matter in controversy does not exceed ~~the sum of \$15,000,~~  
 58 exclusive of interest, costs, and attorney ~~attorney's~~ fees. ~~†~~

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59 ~~except those within the exclusive jurisdiction of the circuit~~  
60 ~~courts; and~~

61 1. If filed on or before December 31, 2019, the sum of  
62 \$15,000.

63 2. If filed on or after January 1, 2020, the sum of  
64 \$30,000.

65 3. If filed on or after January 1, 2022, the sum of  
66 \$50,000.

67 (d) Of disputes occurring in the homeowners' associations  
68 as described in s. 720.311(2)(a), which shall be concurrent with  
69 jurisdiction of the circuit courts.

70  
71 By March 1, 2021, the Office of the State Courts Administrator  
72 shall submit a report to the Governor, the President of the  
73 Senate, and the Speaker of the House of Representatives. The  
74 report must make recommendations regarding the adjustment of  
75 county court jurisdiction, including, but not limited to,  
76 consideration of the claim value of filings in county court and  
77 circuit court, case events, timeliness in processing cases, and  
78 any fiscal impact to the state as a result of adjusted  
79 jurisdictional limits. The clerks of the circuit court and  
80 county court shall provide claim value data and necessary case  
81 event data to the office to be used in development of the  
82 report. The report must also include a review of fees to ensure  
83 that the court system is adequately funded and a review of the  
84 appellate jurisdiction of the district courts and the circuit  
85 courts.

86 Section 3. Paragraphs (a), (b), and (c) of subsection (1)  
87 of section 34.041, Florida Statutes, are amended, and paragraph

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88 (e) is added to that subsection, to read:

89 34.041 Filing fees.—

90 (1) (a) Filing fees are due at the time a party files a  
91 pleading to initiate a proceeding or files a pleading for  
92 relief. Reopen fees are due at the time a party files a pleading  
93 to reopen a proceeding if at least 90 days have elapsed since  
94 the filing of a final order or final judgment with the clerk. If  
95 a fee is not paid upon the filing of the pleading as required  
96 under this section, the clerk shall pursue collection of the fee  
97 pursuant to s. 28.246. Upon the institution of any civil action,  
98 suit, or proceeding in county court, the party shall pay the  
99 following filing fee, not to exceed:

100 1. For all claims less than \$100.....\$50.

101 2. For all claims of \$100 or more but not more than  
102 \$500.....\$75.

103 3. For all claims of more than \$500 but not more than  
104 \$2,500.....\$170.

105 4. For all claims of more than \$2,500 but not more than  
106 \$15,000.....\$295.

107 5. For all claims more than \$15,000.....\$395.

108 6.5 In addition, for all proceedings of garnishment,  
109 attachment, replevin, and distress.....\$85.

110 7.6 Notwithstanding subparagraphs 3. and 6. 5, for all  
111 claims of not more than \$1,000 filed simultaneously with an  
112 action for replevin of property that is the subject of the  
113 claim.....\$125.

114 8.7 For removal of tenant action.....\$180.

115  
116 The filing fee in subparagraph 7. 6 is the total fee due under

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117 this paragraph for that type of filing, and no other filing fee  
118 under this paragraph may be assessed against such a filing.

119 (b) The first \$15 of the filing fee collected under  
120 subparagraph (a)4. and the first \$10 of the filing fee collected  
121 under subparagraph (a)8. ~~subparagraph (a)7.~~ shall be deposited  
122 in the State Courts Revenue Trust Fund. By the 10th day of each  
123 month, the clerk shall submit that portion of the fees collected  
124 in the previous month which is in excess of one-twelfth of the  
125 clerk's total budget for the performance of court-related  
126 functions to the Department of Revenue for deposit into the  
127 Clerks of the Court Trust Fund. An additional filing fee of \$4  
128 shall be paid to the clerk. The clerk shall transfer \$3.50 to  
129 the Department of Revenue for deposit into the Court Education  
130 Trust Fund and shall transfer 50 cents to the Department of  
131 Revenue for deposit into the Administrative Trust Fund within  
132 the Department of Financial Services to fund clerk education  
133 provided by the Florida Clerks of Court Operations Corporation.  
134 Postal charges incurred by the clerk of the county court in  
135 making service by mail on defendants or other parties shall be  
136 paid by the party at whose instance service is made. Except as  
137 provided in this section, filing fees and service charges for  
138 performing duties of the clerk relating to the county court  
139 shall be as provided in ss. 28.24 and 28.241. Except as  
140 otherwise provided in this section, all filing fees shall be  
141 retained as fee income of the office of the clerk of the circuit  
142 court. Filing fees imposed by this section may not be added to  
143 any penalty imposed by chapter 316 or chapter 318.

144 (c) A party in addition to a party described in paragraph  
145 (a) who files a pleading in an original civil action in the

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146 county court for affirmative relief by cross-claim,  
147 counterclaim, counterpetition, or third-party complaint, or who  
148 files a notice of cross-appeal or notice of joinder or motion to  
149 intervene as an appellant, cross-appellant, or petitioner, shall  
150 pay the clerk of court a fee of \$295 if the relief sought by the  
151 party under this paragraph exceeds \$2,500 but is not more than  
152 \$15,000 and \$395 if the relief sought by the party under this  
153 paragraph exceeds \$15,000. The clerk shall remit the fee if the  
154 relief sought by the party under this paragraph exceeds \$2,500  
155 but is not more than \$15,000 to the Department of Revenue for  
156 deposit into the General Revenue Fund. This fee does not apply  
157 if the cross-claim, counterclaim, counterpetition, or third-  
158 party complaint requires transfer of the case from county to  
159 circuit court. However, the party shall pay to the clerk the  
160 standard filing fee for the court to which the case is to be  
161 transferred.

162 (e) Of the first \$200 in filing fees payable under  
163 subparagraph (a)5., \$195 must be remitted to the Department of  
164 Revenue for deposit into the State Courts Revenue Trust Fund, \$4  
165 must be remitted to the Department of Revenue for deposit into  
166 the Administrative Trust Fund within the Department of Financial  
167 Services and used to fund the contract with the Florida Clerks  
168 of Court Operations Corporation created in s. 28.35, and \$1 must  
169 be remitted to the Department of Revenue for deposit into the  
170 Administrative Trust Fund within the Department of Financial  
171 Services to fund audits of individual clerks' court-related  
172 expenditures conducted by the Department of Financial Services.  
173 By the 10th day of each month, the clerk shall submit that  
174 portion of the filing fees collected pursuant to this subsection

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175 in the previous month which is in excess of one-twelfth of the  
176 clerk's total budget to the Department of Revenue for deposit  
177 into the Clerks of the Court Trust Fund.

178 Section 4. Section 44.108, Florida Statutes, is amended to  
179 read:

180 44.108 Funding of mediation and arbitration.—

181 (1) Mediation and arbitration should be accessible to all  
182 parties regardless of financial status. A filing fee of \$1 is  
183 levied on all proceedings in the circuit or county courts to  
184 fund mediation and arbitration services which are the  
185 responsibility of the Supreme Court pursuant to the provisions  
186 of s. 44.106. However, the filing fee may not be levied upon an  
187 appeal from the county court to the circuit court for a claim  
188 that is greater than \$15,000. The clerk of the court shall  
189 forward the moneys collected to the Department of Revenue for  
190 deposit in the State Courts Revenue Trust Fund.

191 (2) When court-ordered mediation services are provided by a  
192 circuit court's mediation program, the following fees, unless  
193 otherwise established in the General Appropriations Act, shall  
194 be collected by the clerk of court:

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

198 (b) Sixty dollars per person per scheduled session in  
199 family mediation when the parties' combined income is less than  
200 \$50,000; or

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

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205 No mediation fees shall be assessed under this subsection in  
206 residential eviction cases, against a party found to be  
207 indigent, or for any small claims action. Fees collected by the  
208 clerk of court pursuant to this section shall be remitted to the  
209 Department of Revenue for deposit into the State Courts Revenue  
210 Trust Fund to fund court-ordered mediation. The clerk of court  
211 may deduct \$1 per fee assessment for processing this fee. The  
212 clerk of the court shall submit to the chief judge of the  
213 circuit and to the Office of the State Courts Administrator, no  
214 later than 30 days after the end of each quarter of the fiscal  
215 year, a report specifying the amount of funds collected and  
216 remitted to the State Courts Revenue Trust Fund under this  
217 section and any other section during the previous quarter of the  
218 fiscal year. In addition to identifying the total aggregate  
219 collections and remissions from all statutory sources, the  
220 report must identify collections and remissions by each  
221 statutory source.

222 Section 5. The amendments to the jurisdiction of a court  
223 made by this act shall apply with respect to the date of filing  
224 the cause of action, regardless of when the cause of action  
225 accrued.

226 Section 6. This act shall take effect January 1, 2020.