

By Senator Stargel

22-01454-19

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1 A bill to be entitled
2 An act relating to the timely administration of
3 justice; amending s. 26.012, F.S.; providing that
4 certain actions in circuit court must be brought by
5 summary procedure; amending s. 34.01, F.S.; providing
6 that certain actions in county court are governed by
7 summary procedure; amending s. 57.105, F.S.; providing
8 that a certain award of fees or damages must be upheld
9 absent a clear abuse of discretion; providing an
10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Present subsections (3) through (5) of section
15 26.012, Florida Statutes, are renumbered as subsections (4)
16 through (6), respectively, and a new subsection (3) is added to
17 that section, to read:

18 26.012 Jurisdiction of circuit court.—

19 (3) (a) An action at law where the amount in controversy
20 does not exceed \$100,000 and is based on a contract, obligation,
21 or liability founded on a written instrument, except for an
22 action relating to real property, must be brought by summary
23 procedure as provided in s. 51.011, and the court shall advance
24 the action on the calendar, subject to paragraph (b).

25 (b) The court may:

26 1. Bifurcate a proceeding to determine liability by summary
27 procedure; or

28 2. Upon a showing by either party by clear and convincing
29 evidence that summary procedure is inappropriate, determine that

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30 summary procedure does not apply.

31 Section 2. Present subsections (2) through (5) of section
32 34.01, Florida Statutes, are renumbered as subsections (3)
33 through (6), respectively, and a new subsection (2) is added to
34 that section, to read:

35 34.01 Jurisdiction of county court.—

36 (2) (a) An action under paragraph (1) (c) must be brought by
37 summary procedure as provided in s. 51.011 and the court shall
38 advance the action on the calendar, subject to paragraph (b).

39 (b) Upon a showing by either party by clear and convincing
40 evidence that summary procedure is inappropriate, the court may
41 determine that summary procedure does not apply.

42 Section 3. Subsection (8) is added to section 57.105,
43 Florida Statutes, to read:

44 57.105 Attorney fees ~~Attorney's fee~~; sanctions for raising
45 unsupported claims or defenses; exceptions; service of motions;
46 damages for delay of litigation.—

47 (8) An award of fees or damages under this section must be
48 upheld unless a subsequent court determines that the lower court
49 clearly abused its discretion in making the award.

50 Section 4. This act shall take effect July 1, 2019.