

By Senator Brandes

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1                                   A bill to be entitled  
2       An act relating to courts; creating s. 25.025, F.S.;  
3       authorizing certain Supreme Court justices to have an  
4       appropriate facility in their district of residence  
5       designated as their official headquarters; providing  
6       that an official headquarters may serve only as a  
7       justice's private chambers; providing that such  
8       justices are eligible for a certain subsistence  
9       allowance and reimbursement for certain transportation  
10      expenses; requiring that such allowance and  
11      reimbursement be made to the extent appropriated funds  
12      are available, as determined by the Chief Justice;  
13      requiring the Chief Justice to coordinate with certain  
14      persons in designating official headquarters;  
15      providing that a county is not required to provide  
16      space for a justice in a county courthouse;  
17      authorizing counties to enter into agreements with the  
18      Supreme Court for the use of county courthouse space;  
19      prohibiting the Supreme Court from using state funds  
20      to lease space in specified facilities to allow a  
21      justice to establish an official headquarters;  
22      amending s. 26.012, F.S.; revising the appellate  
23      jurisdiction of the circuit courts; amending s.  
24      29.008, F.S.; providing applicability and  
25      construction; amending s. 30.15, F.S.; requiring  
26      sheriffs to coordinate with the board of county  
27      commissioners and the chief judge of the circuit on a  
28      comprehensive plan for the provision of security for  
29      trial court facilities; requiring sheriffs to retain

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30 operational control over how they provide security for  
31 such facilities; specifying that the chief judge  
32 retains certain decisionmaking authority; specifying  
33 that sheriffs and their deputies, employees, and  
34 contractors are officers of the court when providing  
35 security for trial court facilities; amending s.  
36 34.01, F.S.; increasing the limit on the amount in  
37 controversy in certain actions at law under which the  
38 county court has original jurisdiction, beginning on a  
39 specified date; specifying that certain actions  
40 relating to damages or losses covered by insurance  
41 policies are not within the jurisdiction of the county  
42 court; providing for adjustments to limits at  
43 specified intervals due to inflation or deflation;  
44 requiring the State Courts Administrator to make  
45 certain recommendations to the Governor and the  
46 Legislature by a specified date; amending s. 44.108,  
47 F.S.; prohibiting a filing fee from being levied on an  
48 appeal from the county court to the circuit court for  
49 a claim for more than a specified amount; amending s.  
50 105.031, F.S.; requiring the Department of State or  
51 the supervisor of elections to refund the full amount  
52 of certain qualifying fees; conforming a cross-  
53 reference; providing effective dates.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 25.025, Florida Statutes, is created to  
58 read:

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59       25.025 Headquarters.—

60       (1) (a) A Supreme Court justice who permanently resides  
61 outside Leon County shall, if he or she so requests, have a  
62 district court of appeal courthouse, a county courthouse, or  
63 other appropriate facility in his or her district of residence  
64 designated as his or her official headquarters pursuant to s.  
65 112.061. This official headquarters may serve only as the  
66 justice's private chambers.

67       (b) A justice for whom an official headquarters is  
68 designated in his or her district of residence under this  
69 subsection is eligible for subsistence at a rate to be  
70 established by the Chief Justice for each day or partial day  
71 that the justice is at the Supreme Court Building for the  
72 conduct of the business of the court. In addition to the  
73 subsistence allowance, a justice is eligible for reimbursement  
74 for transportation expenses as provided in s. 112.061(7) for  
75 travel between the justice's official headquarters and the  
76 Supreme Court Building for the conduct of the business of the  
77 court.

78       (c) Payment of subsistence and reimbursement for  
79 transportation expenses relating to travel between a justice's  
80 official headquarters and the Supreme Court Building must be  
81 made to the extent that appropriated funds are available, as  
82 determined by the Chief Justice.

83       (2) The Chief Justice shall coordinate with each affected  
84 justice and other state and local officials as necessary to  
85 implement paragraph (1) (a).

86       (3) (a) This section does not require a county to provide  
87 space in a county courthouse for a justice. A county may enter

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88 into an agreement with the Supreme Court governing the use of  
89 space in a county courthouse.

90 (b) The Supreme Court may not use state funds to lease  
91 space in a district court of appeal courthouse, county  
92 courthouse, or other facility to allow a justice to establish an  
93 official headquarters pursuant to subsection (1).

94 Section 2. Effective January 1, 2020, subsections (1), (2),  
95 and (4) of section 26.012, Florida Statutes, are amended to  
96 read:

97 26.012 Jurisdiction of circuit court.-

98 (1) (a) The appellate jurisdiction of the circuit courts  
99 includes: ~~Circuit courts shall have jurisdiction of~~

100 1. Appeals from county court orders or judgments in actions  
101 at law within the jurisdiction of the county court under s.  
102 34.01(1)(c).

103 2. Appeals from county court orders or judgments in  
104 misdemeanor cases.

105 3. Appeals from county court orders or judgments relating  
106 to family law matters and other matters within the jurisdiction  
107 of the county court under s. 34.01(2).

108 4. Appeals from final administrative orders of local  
109 government code enforcement boards.

110 (b) The appellate jurisdiction of the circuit courts does  
111 not include ~~courts except~~ appeals of county court orders or  
112 judgments that:

113 1. Declare ~~declaring~~ invalid a state statute or a provision  
114 of the State Constitution. ~~and except orders or judgments of a~~  
115 county court which

116 2. Are certified by the county court to the district court

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117 of appeal to be of great public importance and that ~~which~~ are  
118 accepted by the district court of appeal for review. ~~Circuit~~  
119 ~~courts shall have jurisdiction of appeals from final~~  
120 ~~administrative orders of local government code enforcement~~  
121 ~~boards.~~

122 (2) Circuit courts ~~They shall~~ have exclusive original  
123 jurisdiction:

124 (a) In all actions at law not cognizable by the county  
125 courts;

126 (b) Of proceedings relating to the settlement of the  
127 estates of decedents and minors, the granting of letters  
128 testamentary, guardianship, involuntary hospitalization, the  
129 determination of incompetency, and other jurisdiction usually  
130 pertaining to courts of probate;

131 (c) In all cases in equity including all cases relating to  
132 juveniles except traffic offenses as provided in chapters 316  
133 and 985;

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

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

138 (f) In actions of ejectment; and

139 (g) In all actions involving the title and boundaries of  
140 real property.

141 (4) The chief judge of a circuit may authorize a county  
142 court judge to order emergency hospitalizations pursuant to part  
143 I of chapter 394 in the absence from the county of the circuit  
144 judge; and the county court judge has ~~shall have~~ the power to  
145 issue all temporary orders and temporary injunctions necessary

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146 or proper to the complete exercise of such jurisdiction.

147 Section 3. Subsection (1) of section 29.008, Florida  
148 Statutes, is amended to read:

149 29.008 County funding of court-related functions.—

150 (1) Counties are required by s. 14, Art. V of the State  
151 Constitution to fund the cost of communications services,  
152 existing radio systems, existing multiagency criminal justice  
153 information systems, and the cost of construction or lease,  
154 maintenance, utilities, and security of facilities for the  
155 circuit and county courts, public defenders' offices, state  
156 attorneys' offices, guardian ad litem offices, and the offices  
157 of the clerks of the circuit and county courts performing court-  
158 related functions. For purposes of this section, the term  
159 "circuit and county courts" includes the offices and staffing of  
160 the guardian ad litem programs, and the term "public defenders'  
161 offices" includes the offices of criminal conflict and civil  
162 regional counsel. The county designated under s. 35.05(1) as the  
163 headquarters for each appellate district shall fund these costs  
164 for the appellate division of the public defender's office in  
165 that county. For purposes of implementing these requirements,  
166 the term:

167 (a) "Facility" means reasonable and necessary buildings and  
168 office space and appurtenant equipment and furnishings,  
169 structures, real estate, easements, and related interests in  
170 real estate, including, but not limited to, those for the  
171 purpose of housing legal materials for use by the general public  
172 and personnel, equipment, or functions of the circuit or county  
173 courts, public defenders' offices, state attorneys' offices, and  
174 court-related functions of the office of the clerks of the

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175 circuit and county courts and all storage. The term "facility"  
176 includes all wiring necessary for court reporting services. The  
177 term also includes access to parking for such facilities in  
178 connection with such court-related functions that may be  
179 available free or from a private provider or a local government  
180 for a fee. The office space provided by a county may not be less  
181 than the standards for space allotment adopted by the Department  
182 of Management Services, except this requirement applies only to  
183 facilities that are leased, or on which construction commences,  
184 after June 30, 2003. County funding must include physical  
185 modifications and improvements to all facilities as are required  
186 for compliance with the Americans with Disabilities Act. Upon  
187 mutual agreement of a county and the affected entity in this  
188 paragraph, the office space provided by the county may vary from  
189 the standards for space allotment adopted by the Department of  
190 Management Services.

191 1. As of July 1, 2005, equipment and furnishings shall be  
192 limited to that appropriate and customary for courtrooms,  
193 hearing rooms, jury facilities, and other public areas in  
194 courthouses and any other facility occupied by the courts, state  
195 attorneys, public defenders, guardians ad litem, and criminal  
196 conflict and civil regional counsel. Court reporting equipment  
197 in these areas or facilities is not a responsibility of the  
198 county.

199 2. Equipment and furnishings under this paragraph in  
200 existence and owned by counties on July 1, 2005, except for that  
201 in the possession of the clerks, for areas other than  
202 courtrooms, hearing rooms, jury facilities, and other public  
203 areas in courthouses and any other facility occupied by the

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204 courts, state attorneys, and public defenders, shall be  
205 transferred to the state at no charge. This provision does not  
206 apply to any communications services as defined in paragraph  
207 (f).

208 (b) "Construction or lease" includes, but is not limited  
209 to, all reasonable and necessary costs of the acquisition or  
210 lease of facilities for all judicial officers, staff, jurors,  
211 volunteers of a tenant agency, and the public for the circuit  
212 and county courts, the public defenders' offices, state  
213 attorneys' offices, and for performing the court-related  
214 functions of the offices of the clerks of the circuit and county  
215 courts. This includes expenses related to financing such  
216 facilities and the existing and future cost and bonded  
217 indebtedness associated with placing the facilities in use.

218 (c) "Maintenance" includes, but is not limited to, all  
219 reasonable and necessary costs of custodial and groundskeeping  
220 services and renovation and reconstruction as needed to  
221 accommodate functions for the circuit and county courts, the  
222 public defenders' offices, and state attorneys' offices and for  
223 performing the court-related functions of the offices of the  
224 clerks of the circuit and county court and for maintaining the  
225 facilities in a condition appropriate and safe for the use  
226 intended.

227 (d) "Utilities" means all electricity services for light,  
228 heat, and power; natural or manufactured gas services for light,  
229 heat, and power; water and wastewater services and systems,  
230 stormwater or runoff services and systems, sewer services and  
231 systems, all costs or fees associated with these services and  
232 systems, and any costs or fees associated with the mitigation of

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233 environmental impacts directly related to the facility.

234 (e) "Security" includes but is not limited to, all  
235 reasonable and necessary costs of services of law enforcement  
236 officers or licensed security guards and all electronic,  
237 cellular, or digital monitoring and screening devices necessary  
238 to ensure the safety and security of all persons visiting or  
239 working in a facility; to provide for security of the facility,  
240 including protection of property owned by the county or the  
241 state; and for security of prisoners brought to any facility.  
242 This includes bailiffs while providing courtroom and other  
243 security for each judge and other quasi-judicial officers.

244 (f) "Communications services" are defined as any reasonable  
245 and necessary transmission, emission, and reception of signs,  
246 signals, writings, images, and sounds of intelligence of any  
247 nature by wire, radio, optical, audio equipment, or other  
248 electromagnetic systems and includes all facilities and  
249 equipment owned, leased, or used by judges, clerks, public  
250 defenders, state attorneys, guardians ad litem, criminal  
251 conflict and civil regional counsel, and all staff of the state  
252 courts system, state attorneys' offices, public defenders'  
253 offices, and clerks of the circuit and county courts performing  
254 court-related functions. Such system or services shall include,  
255 but not be limited to:

256 1. Telephone system infrastructure, including computer  
257 lines, telephone switching equipment, and maintenance, and  
258 facsimile equipment, wireless communications, cellular  
259 telephones, pagers, and video teleconferencing equipment and  
260 line charges. Each county shall continue to provide access to a  
261 local carrier for local and long distance service and shall pay

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262 toll charges for local and long distance service.

263       2. All computer networks, systems and equipment, including  
264 computer hardware and software, modems, printers, wiring,  
265 network connections, maintenance, support staff or services  
266 including any county-funded support staff located in the offices  
267 of the circuit court, county courts, state attorneys, public  
268 defenders, guardians ad litem, and criminal conflict and civil  
269 regional counsel; training, supplies, and line charges necessary  
270 for an integrated computer system to support the operations and  
271 management of the state courts system, the offices of the public  
272 defenders, the offices of the state attorneys, the guardian ad  
273 litem offices, the offices of criminal conflict and civil  
274 regional counsel, and the offices of the clerks of the circuit  
275 and county courts; and the capability to connect those entities  
276 and reporting data to the state as required for the transmission  
277 of revenue, performance accountability, case management, data  
278 collection, budgeting, and auditing purposes. The integrated  
279 computer system shall be operational by July 1, 2006, and, at a  
280 minimum, permit the exchange of financial, performance  
281 accountability, case management, case disposition, and other  
282 data across multiple state and county information systems  
283 involving multiple users at both the state level and within each  
284 judicial circuit and be able to electronically exchange judicial  
285 case background data, sentencing scoresheets, and video evidence  
286 information stored in integrated case management systems over  
287 secure networks. Once the integrated system becomes operational,  
288 counties may reject requests to purchase communications services  
289 included in this subparagraph not in compliance with standards,  
290 protocols, or processes adopted by the board established

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291 pursuant to former s. 29.0086.

292 3. Courier messenger and subpoena services.

293 4. Auxiliary aids and services for qualified individuals  
294 with a disability which are necessary to ensure access to the  
295 courts. Such auxiliary aids and services include, but are not  
296 limited to, sign language interpretation services required under  
297 the federal Americans with Disabilities Act other than services  
298 required to satisfy due-process requirements and identified as a  
299 state funding responsibility pursuant to ss. 29.004, 29.005,  
300 29.006, and 29.007, real-time transcription services for  
301 individuals who are hearing impaired, and assistive listening  
302 devices and the equipment necessary to implement such  
303 accommodations.

304 (g) "Existing radio systems" includes, but is not limited  
305 to, law enforcement radio systems that are used by the circuit  
306 and county courts, the offices of the public defenders, the  
307 offices of the state attorneys, and for court-related functions  
308 of the offices of the clerks of the circuit and county courts.  
309 This includes radio systems that were operational or under  
310 contract at the time Revision No. 7, 1998, to Art. V of the  
311 State Constitution was adopted and any enhancements made  
312 thereafter, the maintenance of those systems, and the personnel  
313 and supplies necessary for operation.

314 (h) "Existing multiagency criminal justice information  
315 systems" includes, but is not limited to, those components of  
316 the multiagency criminal justice information system as defined  
317 in s. 943.045, supporting the offices of the circuit or county  
318 courts, the public defenders' offices, the state attorneys'  
319 offices, or those portions of the offices of the clerks of the

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320 circuit and county courts performing court-related functions  
321 that are used to carry out the court-related activities of those  
322 entities. This includes upgrades and maintenance of the current  
323 equipment, maintenance and upgrades of supporting technology  
324 infrastructure and associated staff, and services and expenses  
325 to assure continued information sharing and reporting of  
326 information to the state. The counties shall also provide  
327 additional information technology services, hardware, and  
328 software as needed for new judges and staff of the state courts  
329 system, state attorneys' offices, public defenders' offices,  
330 guardian ad litem offices, and the offices of the clerks of the  
331 circuit and county courts performing court-related functions.

332  
333 This subsection applies only to matters relating to court  
334 funding and may not be construed to enhance, limit, or define  
335 the authority of any court.

336 Section 4. Subsection (4) is added to section 30.15,  
337 Florida Statutes, to read:

338 30.15 Powers, duties, and obligations.—

339 (4) (a) In accordance with each county's obligation under s.  
340 14, Art. V of the State Constitution and s. 29.008 to fund  
341 security for trial court facilities, the sheriff of each county  
342 shall coordinate with the board of county commissioners of that  
343 county and the chief judge of the circuit in which that county  
344 is located on the development of a comprehensive plan for the  
345 provision of security for trial court facilities. Each sheriff  
346 shall retain authority over the operational control and  
347 provision of law enforcement services associated with the plan.  
348 The chief judge of the circuit shall retain decisionmaking

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349 authority to ensure the protection of due process rights,  
350 including, but not limited to, the scheduling and conduct of  
351 trial and other judicial proceedings, as part of his or her  
352 responsibility for the administrative supervision of trial  
353 courts under s. 43.26.

354 (b) Sheriffs and their deputies, employees, and contractors  
355 are officers of the court when providing security for trial  
356 court facilities under this subsection.

357 Section 5. Subsection (1) of section 34.01, Florida  
358 Statutes, is amended to read:

359 34.01 Jurisdiction of county court.—

360 (1) County courts shall have original jurisdiction:

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

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

364 (c) 1. Of all actions at law filed on or before December 31,  
365 2019, in which the matter in controversy does not exceed the sum  
366 of \$15,000, exclusive of interest, costs, and attorney  
367 attorney's fees, except those within the exclusive jurisdiction  
368 of the circuit courts.~~†~~ and

369 2. Of all actions at law filed on or after January 1, 2020,  
370 in which the matter in controversy does not exceed the sum of  
371 \$50,000, exclusive of interest, costs, and attorney fees,  
372 except:

373 a. Actions within the exclusive jurisdiction of the circuit  
374 courts; and

375 b. Actions relating to damages or losses covered by an  
376 insurance policy, including coverage disputes, which are filed  
377 on or after January 1, 2020, and in which the matter in

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378 controversy does not exceed the sum of \$25,000, exclusive of  
 379 interest, costs, and attorney fees.

381 The limits in subparagraph 2. must be adjusted every 10 years  
 382 after January 1, 2020, to reflect the rate of inflation or  
 383 deflation as indicated in the Consumer Price Index for All Urban  
 384 Consumers, U.S. City Average, All Items, or successor reports as  
 385 reported by the United States Department of Labor, Bureau of  
 386 Labor Statistics, or its successor. Such adjustments must be  
 387 rounded to the nearest \$5,000.

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

391  
 392 By March 1, 2021, the State Courts Administrator shall make  
 393 recommendations regarding the adjustment of county court  
 394 jurisdiction to the Governor, the President of the Senate, and  
 395 the Speaker of the House of Representatives. The recommendation  
 396 must include an analysis of workflow, timely access to court by  
 397 litigants, and any resulting fiscal impact to the state as a  
 398 result of adjusted jurisdictional limits.

399 Section 6. Subsection (1) of section 44.108, Florida  
 400 Statutes, is amended to read:

401 44.108 Funding of mediation and arbitration.—

402 (1) Mediation and arbitration should be accessible to all  
 403 parties regardless of financial status. A filing fee of \$1 is  
 404 levied on all proceedings in the circuit or county courts to  
 405 fund mediation and arbitration services which are the  
 406 responsibility of the Supreme Court pursuant to ~~the provisions~~

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407 ~~of~~ s. 44.106. However, the filing fee may not be levied on an  
408 appeal from the county court to the circuit court for a claim of  
409 more than \$15,000. The clerk of the court shall forward the  
410 moneys collected to the Department of Revenue for deposit in the  
411 State Courts Revenue Trust Fund.

412 Section 7. Effective upon this act becoming a law,  
413 subsections (3) and (5) of section 105.031, Florida Statutes,  
414 are amended to read:

415 105.031 Qualification; filing fee; candidate's oath; items  
416 required to be filed.-

417 (3) QUALIFYING FEE.-

418 (a) Each candidate qualifying for election to a judicial  
419 office or the office of school board member, except write-in  
420 judicial or school board candidates, shall, during the time for  
421 qualifying, pay to the officer with whom he or she qualifies a  
422 qualifying fee, which shall consist of a filing fee and an  
423 election assessment, or qualify by the petition process. The  
424 amount of the filing fee is 3 percent of the annual salary of  
425 the office sought. The amount of the election assessment is 1  
426 percent of the annual salary of the office sought. Except as  
427 otherwise required by paragraph (b), the Department of State  
428 shall transfer all filing fees to the Department of Legal  
429 Affairs for deposit in the Elections Commission Trust Fund and-  
430 the supervisor of elections shall forward all filing fees to the  
431 Elections Commission Trust Fund. The election assessment shall  
432 be deposited into the Elections Commission Trust Fund. The  
433 annual salary of the office for purposes of computing the  
434 qualifying fee shall be computed by multiplying 12 times the  
435 monthly salary authorized for such office as of July 1

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436 immediately preceding the first day of qualifying. This  
437 paragraph subsection does not apply to candidates qualifying for  
438 retention to judicial office.

439 (b) Not later than 20 days after the close of qualifying,  
440 the Department of State or the supervisor of elections, as  
441 appropriate, shall refund the full amount of the qualifying fee  
442 to a candidate for the office of circuit court judge or county  
443 court judge who is unopposed at the time the qualifying period  
444 closes.

445 (5) ITEMS REQUIRED TO BE FILED.—

446 (a) In order for a candidate for judicial office or the  
447 office of school board member to be qualified, the following  
448 items must be received by the filing officer by the end of the  
449 qualifying period:

450 1. Except for candidates for retention to judicial office,  
451 a properly executed check drawn upon the candidate's campaign  
452 account in an amount not less than the fee required by paragraph  
453 (3) (a) subsection (3) or, in lieu thereof, the copy of the  
454 notice of obtaining ballot position pursuant to s. 105.035. If a  
455 candidate's check is returned by the bank for any reason, the  
456 filing officer shall immediately notify the candidate and the  
457 candidate shall, the end of qualifying notwithstanding, have 48  
458 hours from the time such notification is received, excluding  
459 Saturdays, Sundays, and legal holidays, to pay the fee with a  
460 cashier's check purchased from funds of the campaign account.  
461 Failure to pay the fee as provided in this subparagraph shall  
462 disqualify the candidate.

463 2. The candidate's oath required by subsection (4), which  
464 must contain the name of the candidate as it is to appear on the

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465 ballot; the office sought, including the district or group  
466 number if applicable; and the signature of the candidate, duly  
467 acknowledged.

468 3. The loyalty oath required by s. 876.05, signed by the  
469 candidate and duly acknowledged.

470 4. The completed form for the appointment of campaign  
471 treasurer and designation of campaign depository, as required by  
472 s. 106.021. In addition, each candidate for judicial office,  
473 including an incumbent judge, shall file a statement with the  
474 qualifying officer, within 10 days after filing the appointment  
475 of campaign treasurer and designation of campaign depository,  
476 stating that the candidate has read and understands the  
477 requirements of the Florida Code of Judicial Conduct. Such  
478 statement shall be in substantially the following form:

479

480 Statement of Candidate for Judicial Office

481

482 I, ...(name of candidate)..., a judicial candidate, have  
483 received, read, and understand the requirements of the Florida  
484 Code of Judicial Conduct.

485 ... (Signature of candidate)...

486 ... (Date)...

487

488 5. The full and public disclosure of financial interests  
489 required by s. 8, Art. II of the State Constitution or the  
490 statement of financial interests required by s. 112.3145,  
491 whichever is applicable. A public officer who has filed the full  
492 and public disclosure or statement of financial interests with  
493 the Commission on Ethics or the supervisor of elections prior to

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494 qualifying for office may file a copy of that disclosure at the  
495 time of qualifying.

496 Section 8. Except as otherwise expressly provided in this  
497 act and except for this section, which shall take effect upon  
498 becoming a law, this act shall take effect October 1, 2019.