

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 are governed 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 an award of fees under this section must be  
 9           upheld absent a clear abuse of discretion; providing  
 10          an 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. Subsections (3) through (5) of section 26.012,  
 15   Florida Statutes, are renumbered as subsections (4) through (6),  
 16   respectively, and a new subsection (3) is added to that section,  
 17   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  
 27 summary procedure; or

28 2. Upon a showing by either party by clear and convincing  
 29 evidence that summary procedure is inappropriate, determine that  
 30 summary procedure does not apply.

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