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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 145

and insert:

Section 3. Effective January 1, 2021, section 26.012, Florida Statutes, is amended to read:

26.012 Jurisdiction of circuit court.—

(1) ~~Circuit courts shall have jurisdiction of appeals from county courts except:~~

(a) ~~Appeals of county court orders or judgments where the~~



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11 ~~amount in controversy is greater than \$15,000. This paragraph is~~
12 ~~repealed on January 1, 2023.~~

13 ~~(b) Appeals of county court orders or judgments declaring~~
14 ~~invalid a state statute or a provision of the State~~
15 ~~Constitution.~~

16 ~~(c) Orders or judgments of a county court which are~~
17 ~~certified by the county court to the district court of appeal to~~
18 ~~be of great public importance and which are accepted by the~~
19 ~~district court of appeal for review. Circuit courts shall have~~
20 jurisdiction of appeals from final administrative orders of
21 local government code enforcement boards and of reviews and
22 appeals as otherwise expressly provided by law.

23 (2) Circuit courts ~~They~~ shall have exclusive original
24 jurisdiction:

25 (a) In all actions at law not cognizable by the county
26 courts;

27 (b) Of proceedings relating to the settlement of the
28 estates of decedents and minors, the granting of letters
29 testamentary, guardianship, involuntary hospitalization, the
30 determination of incompetency, and other jurisdiction usually
31 pertaining to courts of probate;

32 (c) In all cases in equity including all cases relating to
33 juveniles except traffic offenses as provided in chapters 316
34 and 985;

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

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

39 (f) In actions of ejectment; and



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40 (g) In all actions involving the title and boundaries of
41 real property.

42 (3) The circuit court may issue injunctions.

43 (4) The chief judge of a circuit may authorize a county
44 court judge to order emergency hospitalizations pursuant to part
45 I of chapter 394 in the absence from the county of the circuit
46 judge; and the county court judge shall have the power to issue
47 all temporary orders and temporary injunctions necessary or
48 proper to the complete exercise of such jurisdiction.

49 (5) A circuit court is a trial court.

50 Section 4. Effective January 1, 2021, subsection (4) of
51 section 27.51, Florida Statutes, is amended to read:

52 27.51 Duties of public defender.—

53 (4) The public defender for the judicial circuit specified
54 in this subsection shall, after the record on appeal is
55 transmitted to the appellate court by the office of the public
56 defender which handled the trial and if requested by any public
57 defender within the indicated appellate district, handle all
58 circuit court and county court appeals within the state courts
59 system and any authorized appeals to the federal courts required
60 of the official making such request:

61 (a) Public defender of the second judicial circuit, on
62 behalf of any public defender within the district comprising the
63 First District Court of Appeal.

64 (b) Public defender of the tenth judicial circuit, on
65 behalf of any public defender within the district comprising the
66 Second District Court of Appeal.

67 (c) Public defender of the eleventh judicial circuit, on
68 behalf of any public defender within the district comprising the



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69 Third District Court of Appeal.

70 (d) Public defender of the fifteenth judicial circuit, on
71 behalf of any public defender within the district comprising the
72 Fourth District Court of Appeal.

73 (e) Public defender of the seventh judicial circuit, on
74 behalf of any public defender within the district comprising the
75 Fifth District Court of Appeal.

76 Section 5. Effective January 1, 2021, subsection (8) of
77 section 27.511, Florida Statutes, is amended to read:

78 27.511 Offices of criminal conflict and civil regional
79 counsel; legislative intent; qualifications; appointment;
80 duties.—

81 (8) The public defender for the judicial circuit specified
82 in s. 27.51(4) shall, after the record on appeal is transmitted
83 to the appellate court by the office of criminal conflict and
84 civil regional counsel which handled the trial and if requested
85 by the regional counsel for the indicated appellate district,
86 handle all circuit court and county court appeals authorized
87 pursuant to paragraph (5) (f) within the state courts system and
88 any authorized appeals to the federal courts required of the
89 official making the request. If the public defender certifies to
90 the court that the public defender has a conflict consistent
91 with the criteria prescribed in s. 27.5303 and moves to
92 withdraw, the regional counsel shall handle the appeal, unless
93 the regional counsel has a conflict, in which case the court
94 shall appoint private counsel pursuant to s. 27.40.

95 Section 6. Effective January 1, 2021, section 34.017,
96 Florida Statutes, is amended to read:

97 34.017 Certification of questions to district court of



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98 appeal.-

99 (1) A county court may ~~is permitted to~~ certify a question
100 to the district court of appeal in a final judgment that is
101 appealable to the circuit court if the question may have
102 statewide application, and:

103 (a) Is of great public importance; or

104 (b) Will affect the uniform administration of justice.

105 (2) In the final judgment, the trial court shall:

106 (a) Make findings of fact and conclusions of law; and

107 (b) State concisely the question to be certified.

108 (3) The decision to certify the question to the district
109 court of appeal is within the sole discretion of the county
110 court.

111 (4) The district court of appeal has absolute discretion as
112 to whether to answer a question certified by the county court.

113 (a) If the district court agrees to answer the certified
114 question, it shall decide all appealable issues that have been
115 raised from the final judgment.

116 (b) If the district court declines to answer the certified
117 question, the case shall be transferred to the circuit court
118 which has appellate jurisdiction.

119 Section 7. Effective January 1, 2021, section 35.065,
120 Florida Statutes, is amended to read:

121 35.065 Review of judgment or order certified by county
122 court to be of great public importance.-Pursuant to s. 34.017, a
123 district court of appeal may review any order or judgment of a
124 county court which is certified by the county court to be of
125 great public importance.

126 Section 8. Effective January 1, 2021, section 924.08,



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127 Florida Statutes, is repealed.

128 Section 9. Except as otherwise expressly provided in this
129 act, this act shall take effect July 1, 2020.

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

132 And the title is amended as follows:

133 Delete lines 2 - 27

134 and insert:

135 An act relating to courts; amending s. 25.025, F.S.;

136 revising provisions governing the payment of

137 subsistence and travel reimbursement for Supreme Court

138 justices who designate an official headquarters other

139 than the headquarters of the Supreme Court;

140 authorizing the Chief Justice of the Supreme Court to

141 establish certain parameters in administering the act;

142 providing for construction; creating s. 35.051, F.S.;

143 authorizing district court of appeal judges who meet

144 certain criteria to have an appropriate facility in

145 their county of residence designated as their official

146 headquarters; providing restrictions; specifying

147 eligibility for subsistence and travel reimbursement,

148 subject to the availability of funds; requiring the

149 Chief Justice to coordinate with certain officials in

150 implementing the act; providing that a county is not

151 required to provide space for a judge in a county

152 courthouse; authorizing counties to enter into

153 agreements with a district court of appeal for use of

154 county courthouse space; prohibiting a district court

155 of appeal from using state funds to lease space to



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156 establish a judge's official headquarters; authorizing
157 the Chief Justice to establish certain parameters in
158 administering the act; providing for construction;
159 amending s. 26.012, F.S.; limiting the appellate
160 jurisdiction of the circuit courts to appeals from
161 final administrative orders of local code enforcement
162 boards and other reviews and appeals expressly
163 provided by law; amending ss. 27.51 and 27.511, F.S.;
164 revising the duties of the public defender and office
165 of criminal conflict and civil regional counsel,
166 respectively, regarding the handling of appeals to
167 conform to changes made by the act; amending s.
168 34.017, F.S.; authorizing a county court to certify a
169 question to a district court of appeal in a final
170 judgment that is appealable to a circuit court;
171 amending s. 35.065, F.S.; authorizing a district court
172 of appeal to review certain questions certified by a
173 county court; repealing s. 924.08, F.S., relating to
174 the jurisdiction of the circuit court to hear appeals
175 from final judgments in misdemeanor cases; providing
176 effective dates.