

By the Committees on Appropriations; and Judiciary; and Senator  
Simmons

576-04558-20

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1                   A bill to be entitled  
2           An act relating to courts; amending s. 25.025, F.S.;  
3           revising provisions governing the payment of  
4           subsistence and travel reimbursement for Supreme Court  
5           justices who designate an official headquarters other  
6           than the headquarters of the Supreme Court;  
7           authorizing the Chief Justice of the Supreme Court to  
8           establish certain parameters in administering the act;  
9           providing construction; creating s. 35.051, F.S.;  
10          authorizing district court of appeal judges who meet  
11          certain criteria to have an appropriate facility in  
12          their county of residence designated as their official  
13          headquarters; providing restrictions; specifying  
14          eligibility for subsistence and travel reimbursement,  
15          subject to the availability of funds; requiring the  
16          Chief Justice to coordinate with certain officials in  
17          implementing the act; providing that a county is not  
18          required to provide space for a judge in a county  
19          courthouse; authorizing counties to enter into  
20          agreements with a district court of appeal for use of  
21          county courthouse space; prohibiting a district court  
22          of appeal from using state funds to lease space to  
23          establish a judge's official headquarters; authorizing  
24          the Chief Justice to establish certain parameters in  
25          administering the act; providing for construction;  
26          amending s. 26.012, F.S.; limiting the appellate  
27          jurisdiction of the circuit courts to appeals from  
28          final administrative orders of local code enforcement  
29          boards and other reviews and appeals expressly

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30 provided by law; amending ss. 27.51 and 27.511, F.S.;

31 revising the duties of the public defender and office

32 of criminal conflict and civil regional counsel,

33 respectively, regarding the handling of appeals to

34 conform to changes made by the act; amending s.

35 34.017, F.S.; authorizing a county court to certify a

36 question to a district court of appeal in a final

37 judgment that is appealable to a circuit court;

38 amending s. 35.065, F.S.; authorizing a district court

39 of appeal to review certain questions certified by a

40 county court; repealing s. 924.08, F.S., relating to

41 the jurisdiction of the circuit court to hear appeals

42 from final judgments in misdemeanor cases; providing

43 effective dates.

44

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

46

47 Section 1. Section 25.025, Florida Statutes, is amended to

48 read:

49 25.025 Headquarters.—

50 (1) (a) A Supreme Court justice who permanently resides

51 outside Leon County is eligible for the designation of ~~shall, if~~

52 ~~he or she so requests, have~~ a district court of appeal

53 courthouse, a county courthouse, or another appropriate facility

54 in his or her district of residence ~~designated~~ as his or her

55 official headquarters for purposes of ~~pursuant to~~ s. 112.061.

56 This official headquarters may serve only as the justice's

57 private chambers.

58 (b) 1. A justice for whom an official headquarters is

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59 designated in his or her district of residence under this  
60 subsection is eligible for subsistence at a rate to be  
61 established by the Chief Justice for each day or partial day  
62 that the justice is at the headquarters of the Supreme Court to  
63 ~~Building for the~~ conduct court of the business, as authorized by  
64 the Chief Justice of the court. The Chief Justice may authorize  
65 a justice to choose between subsistence based on lodging at a  
66 single-occupancy rate and meal reimbursement as provided in s.  
67 112.061 and subsistence at a fixed rate prescribed by the Chief  
68 Justice.

69 2. In addition to ~~the~~ subsistence allowance, a justice is  
70 eligible for reimbursement for travel ~~transportation~~ expenses as  
71 provided in s. 112.061(7) and (8) for travel between the  
72 justice's official headquarters and the headquarters of the  
73 Supreme Court ~~to Building for the~~ conduct court of the business  
74 ~~of the court.~~

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

80 (2) The Chief Justice shall coordinate with each affected  
81 justice and other state and local officials as necessary to  
82 implement subsection (1) ~~paragraph (1)(a).~~

83 (3)(a) This section does not require a county to provide  
84 space in a county courthouse for a justice. A county may enter  
85 into an agreement with the Supreme Court governing the use of  
86 space in a county courthouse.

87 (b) The Supreme Court may not use state funds to lease

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88 space in a district court of appeal courthouse, county  
89 courthouse, or other facility to allow a justice to establish an  
90 official headquarters pursuant to subsection (1).

91 (4) The Chief Justice may establish parameters governing  
92 the authority provided in this section, including, but not  
93 limited to, specifying minimum operational requirements for the  
94 designated headquarters, limiting the number of days for which  
95 subsistence and travel reimbursement may be provided, and  
96 prescribing activities that qualify as the conduct of court  
97 business.

98 (5) If any term of this section conflicts with s. 112.061,  
99 this section shall control to the extent of the conflict.

100 Section 2. Section 35.051, Florida Statutes, is created to  
101 read:

102 35.051 Subsistence and travel reimbursement for judges with  
103 alternate headquarters.—

104 (1) (a) A district court of appeal judge is eligible for the  
105 designation of a county courthouse or another appropriate  
106 facility in his or her county of residence as his or her  
107 official headquarters for purposes of s. 112.061 if the judge  
108 permanently resides more than 50 miles from:

109 1. The appellate district's headquarters as prescribed  
110 under s. 35.05(1), if the judge is assigned to such  
111 headquarters; or

112 2. The appellate district's branch headquarters established  
113 under s. 35.05(2), if the judge is assigned to such branch  
114 headquarters.

115  
116 The official headquarters may serve only as the judge's private

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117 chambers.

118 (b)1. A district court of appeal judge for whom an official  
119 headquarters is designated in his or her county of residence  
120 under this subsection is eligible for subsistence at a rate to  
121 be established by the Chief Justice for each day or partial day  
122 that the judge is at the headquarters or branch headquarters of  
123 his or her appellate district to conduct court business, as  
124 authorized by the chief judge of that district court of appeal.  
125 The Chief Justice may authorize a judge to choose between  
126 subsistence based on lodging at a single-occupancy rate and meal  
127 reimbursement as provided in s. 112.061 and subsistence at a  
128 fixed rate prescribed by the Chief Justice.

129 2. In addition to subsistence, a district court of appeal  
130 judge is eligible for reimbursement for travel expenses as  
131 provided in s. 112.061(7) and (8) for travel between the judge's  
132 official headquarters and the headquarters or branch  
133 headquarters of the appellate district to conduct court  
134 business.

135 (c) Payment of subsistence and reimbursement for travel  
136 expenses between the judge's official headquarters and the  
137 headquarters or branch headquarters of his or her appellate  
138 district shall be made to the extent that appropriated funds are  
139 available, as determined by the Chief Justice.

140 (2) The Chief Justice shall coordinate with each affected  
141 district court of appeal judge and other state and local  
142 officials as necessary to implement subsection (1).

143 (3) (a) This section does not require a county to provide  
144 space in a county courthouse for a district court of appeal  
145 judge. A county may enter into an agreement with a district

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146 court of appeal governing the use of space in a county  
147 courthouse.

148 (b) A district court of appeal may not use state funds to  
149 lease space in a county courthouse or other facility to allow a  
150 district court of appeal judge to establish an official  
151 headquarters pursuant to subsection (1).

152 (4) The Chief Justice may establish parameters governing  
153 the authority provided in this section, including, but not  
154 limited to, specifying minimum operational requirements for the  
155 designated headquarters, limiting the number of days for which  
156 subsistence and travel reimbursement may be provided, and  
157 prescribing activities that qualify as the conduct of court  
158 business.

159 (5) If any term of this section conflicts with s. 112.061,  
160 this section shall control to the extent of the conflict.

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

163 26.012 Jurisdiction of circuit court.—

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

166 ~~(a) Appeals of county court orders or judgments where the~~  
167 ~~amount in controversy is greater than \$15,000. This paragraph is~~  
168 ~~repealed on January 1, 2023.~~

169 ~~(b) Appeals of county court orders or judgments declaring~~  
170 ~~invalid a state statute or a provision of the State~~  
171 ~~Constitution.~~

172 ~~(c) Orders or judgments of a county court which are~~  
173 ~~certified by the county court to the district court of appeal to~~  
174 ~~be of great public importance and which are accepted by the~~

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175 ~~district court of appeal for review.~~ Circuit courts shall have  
176 jurisdiction of appeals from final administrative orders of  
177 local government code enforcement boards and of reviews and  
178 appeals as otherwise expressly provided by law.

179 (2) Circuit courts ~~They~~ shall have exclusive original  
180 jurisdiction:

181 (a) In all actions at law not cognizable by the county  
182 courts;

183 (b) Of proceedings relating to the settlement of the  
184 estates of decedents and minors, the granting of letters  
185 testamentary, guardianship, involuntary hospitalization, the  
186 determination of incompetency, and other jurisdiction usually  
187 pertaining to courts of probate;

188 (c) In all cases in equity including all cases relating to  
189 juveniles except traffic offenses as provided in chapters 316  
190 and 985;

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

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

195 (f) In actions of ejectment; and

196 (g) In all actions involving the title and boundaries of  
197 real property.

198 (3) The circuit court may issue injunctions.

199 (4) The chief judge of a circuit may authorize a county  
200 court judge to order emergency hospitalizations pursuant to part  
201 I of chapter 394 in the absence from the county of the circuit  
202 judge; and the county court judge shall have the power to issue  
203 all temporary orders and temporary injunctions necessary or

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204 proper to the complete exercise of such jurisdiction.

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

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

208 27.51 Duties of public defender.—

209 (4) The public defender for the judicial circuit specified  
210 in this subsection shall, after the record on appeal is  
211 transmitted to the appellate court by the office of the public  
212 defender which handled the trial and if requested by any public  
213 defender within the indicated appellate district, handle all  
214 circuit court and county court appeals within the state courts  
215 system and any authorized appeals to the federal courts required  
216 of the official making such request:

217 (a) Public defender of the second judicial circuit, on  
218 behalf of any public defender within the district comprising the  
219 First District Court of Appeal.

220 (b) Public defender of the tenth judicial circuit, on  
221 behalf of any public defender within the district comprising the  
222 Second District Court of Appeal.

223 (c) Public defender of the eleventh judicial circuit, on  
224 behalf of any public defender within the district comprising the  
225 Third District Court of Appeal.

226 (d) Public defender of the fifteenth judicial circuit, on  
227 behalf of any public defender within the district comprising the  
228 Fourth District Court of Appeal.

229 (e) Public defender of the seventh judicial circuit, on  
230 behalf of any public defender within the district comprising the  
231 Fifth District Court of Appeal.

232 Section 5. Effective January 1, 2021, subsection (8) of



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233 section 27.511, Florida Statutes, is amended to read:

234 27.511 Offices of criminal conflict and civil regional  
235 counsel; legislative intent; qualifications; appointment;  
236 duties.—

237 (8) The public defender for the judicial circuit specified  
238 in s. 27.51(4) shall, after the record on appeal is transmitted  
239 to the appellate court by the office of criminal conflict and  
240 civil regional counsel which handled the trial and if requested  
241 by the regional counsel for the indicated appellate district,  
242 handle all circuit court and county court appeals authorized  
243 pursuant to paragraph (5) (f) within the state courts system and  
244 any authorized appeals to the federal courts required of the  
245 official making the request. If the public defender certifies to  
246 the court that the public defender has a conflict consistent  
247 with the criteria prescribed in s. 27.5303 and moves to  
248 withdraw, the regional counsel shall handle the appeal, unless  
249 the regional counsel has a conflict, in which case the court  
250 shall appoint private counsel pursuant to s. 27.40.

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

253 34.017 Certification of questions to district court of  
254 appeal.—

255 (1) A county court may ~~is permitted to~~ certify a question  
256 to the district court of appeal in a final judgment that is  
257 appealable to the circuit court if the question may have  
258 statewide application, and:

259 (a) Is of great public importance; or

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

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

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262 (a) Make findings of fact and conclusions of law; and  
263 (b) State concisely the question to be certified.  
264 (3) The decision to certify the question to the district  
265 court of appeal is within the sole discretion of the county  
266 court.

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

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

272 (b) If the district court declines to answer the certified  
273 question, the case shall be transferred to the circuit court  
274 which has appellate jurisdiction.

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

277 35.065 Review of judgment or order certified by county  
278 court to be of great public importance.—Pursuant to s. 34.017, a  
279 district court of appeal may review any order or judgment of a  
280 county court which is certified by the county court to be of  
281 great public importance.

282 Section 8. Effective January 1, 2021, section 924.08,  
283 Florida Statutes, is repealed.

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