

## CHAPTER 2020-61

### Committee Substitute for Committee Substitute for Senate Bill No. 1392

An act relating to courts; amending s. 25.025, F.S.; revising provisions governing the payment of subsistence and travel reimbursement for Supreme Court justices who designate an official headquarters other than the headquarters of the Supreme Court; authorizing the Chief Justice of the Supreme Court to establish certain parameters in administering the act; providing construction; creating s. 35.051, F.S.; authorizing district court of appeal judges who meet certain criteria to have an appropriate facility in their county of residence designated as their official headquarters; providing restrictions; specifying eligibility for subsistence and travel reimbursement, subject to the availability of funds; requiring the Chief Justice to coordinate with certain officials in implementing the act; providing that a county is not required to provide space for a judge in a county courthouse; authorizing counties to enter into agreements with a district court of appeal for use of county courthouse space; prohibiting a district court of appeal from using state funds to lease space to establish a judge's official headquarters; authorizing the Chief Justice to establish certain parameters in administering the act; providing for construction; amending s. 26.012, F.S.; limiting the appellate jurisdiction of the circuit courts to appeals from final administrative orders of local code enforcement boards and other reviews and appeals expressly provided by law; amending ss. 27.51 and 27.511, F.S.; revising the duties of the public defender and office of criminal conflict and civil regional counsel, respectively, regarding the handling of appeals to conform to changes made by the act; amending s. 34.017, F.S.; authorizing a county court to certify a question to a district court of appeal in a final judgment that is appealable to a circuit court; amending s. 35.065, F.S.; authorizing a district court of appeal to review certain questions certified by a county court; repealing s. 924.08, F.S., relating to the jurisdiction of the circuit court to hear appeals from final judgments in misdemeanor cases; providing effective dates.

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

Section 1. Section 25.025, Florida Statutes, is amended to read:

25.025 Headquarters.—

(1)(a) A Supreme Court justice who permanently resides outside Leon County is eligible for the designation of shall, ~~if he or she so requests,~~ have a district court of appeal courthouse, a county courthouse, or another appropriate facility in his or her district of residence ~~designated as his or her official headquarters~~ for purposes of ~~pursuant to~~ s. 112.061. This official headquarters may serve only as the justice's private chambers.

(b)1. A justice for whom an official headquarters is designated in his or her district of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the headquarters of the Supreme Court to Building for the conduct court of the business, as authorized by the Chief Justice of the court. The Chief Justice may authorize a justice to choose between subsistence based on lodging at a single-occupancy rate and meal reimbursement as provided in s. 112.061 and subsistence at a fixed rate prescribed by the Chief Justice.

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

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

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

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

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

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

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

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

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

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

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

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

The official headquarters may serve only as the judge's private chambers.

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

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

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

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

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

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

(4) The Chief Justice may establish parameters governing the authority provided in this section, including, but not limited to, specifying minimum operational requirements for the designated headquarters, limiting the number of days for which subsistence and travel reimbursement may be

provided, and prescribing activities that qualify as the conduct of court business.

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

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

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

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

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

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

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

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

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

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

(f) In actions of ejectment; and

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

(3) The circuit court may issue injunctions.

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

(5) A circuit court is a trial court.

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

27.51 Duties of public defender.—

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

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

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

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

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

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

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

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

(8) The public defender for the judicial circuit specified in s. 27.51(4) shall, after the record on appeal is transmitted to the appellate court by the office of criminal conflict and civil regional counsel which handled the trial and if requested by the regional counsel for the indicated appellate district, handle all circuit court and county court appeals authorized pursuant to paragraph (5)(f) within the state courts system and any authorized appeals to the federal courts required of the official making the request. If the public defender certifies to the court that the public defender has a conflict consistent with the criteria prescribed in s. 27.5303 and moves to withdraw,

the regional counsel shall handle the appeal, unless the regional counsel has a conflict, in which case the court shall appoint private counsel pursuant to s. 27.40.

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

34.017 Certification of questions to district court of appeal.—

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

- (a) Is of great public importance; or
- (b) Will affect the uniform administration of justice.

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

- (a) Make findings of fact and conclusions of law; and
- (b) State concisely the question to be certified.

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

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

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

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

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

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

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

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

Approved by the Governor June 20, 2020.

Filed in Office Secretary of State June 20, 2020.