

NEW HORIZONS IN COUNTY COURT CIVIL JURISDICTION



A View from Broward County



Overview of the New Law



Big Changes Are Here

January 1, 2020

Old Threshold: \$15K

Current Threshold 1/1/20: \$30K

Future Threshold 1/1/2023: \$50K

Appeals ??

Bifurcated process:

15K or more go to 4th DCA



Less than 15k remain in 17th Circuit



Appellate Jurisdiction

- State law provides that on January 1, 2020, appeals of county court orders or judgments with an amount in controversy greater than \$15,000 will be heard by the district courts of appeal until January 1, 2023, when the provision repeals.

Florida Courts Jurisdiction

- Death penalty cases
- Decisions of district courts invalidating a provision in the state constitution or statute
- Bond validations
- Public utility cases

- All matters not directly appealable to the supreme court or a circuit court
- Administrative appeals if provided by law

- Felonies
- Family law
- Civil cases > \$30,000
- Probate, guardianship, mental health
- Juvenile dependency, delinquency
- Appeals of decisions in certain administrative, noncriminal infraction, and other types of cases

- Misdemeanors
- Civil cases ≤ \$30,000
- Small claims ≤ \$8,000
- Traffic

Supreme Court

District Courts of Appeal

Circuit Courts

County Courts

- Validating a state statute
- Construction of Florida or U.S. constitutions
- Decisions affecting a class of constitutional or statutory officers
- Direct conflict with a supreme court or another district court decision
- Certain certified questions or conflict certified by the district court

- Questions certified by the county court in a final judgment that is appealable to the circuit court

Filing Fees

No changes



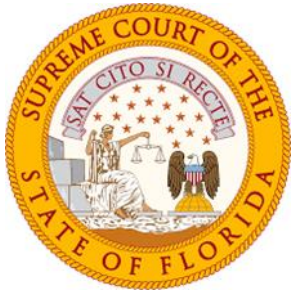
Mediation

15K or less – Court Mediation Services

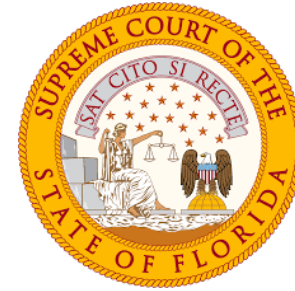


15K or more – outside certified mediator





Ancillary Changes



Florida Supreme Court has implemented new cover sheet, requiring filer to specify EXACT AMOUNT in controversy.

Florida Supreme Court has asked Small Claims Rules Committee to change rule to increase small claims limit to \$8K. Change went into effect in 1/1/2020.

Anticipation, An-tic-i-pa-tion Effects of New Law on Attorneys & Court



Additional Cases

Florida Office of the State Court Administrator anticipates 1,720 new cases for 2020. We actually got 3,950 cases! In 2021 we got 4,885 new cases.

These will be divided among the 20 Broward Judges hearing civil cases.

But for 2023.....



Types of Hearings

Property Damage Cases

Automobile Subrogation Claims

Replevin of Automobiles

Credit Card Disputes

Foreclosures



Hearing Time

New cases fall under Rules of Civil Procedure, and therefore *special set hearing times* will be at a premium.

Not familiar with County Court? See Broward County Rule 11.



Jury Trials



Attorneys need to know AO
2019-4-CO.

This Order will be triggered
sua sponte by the Court
either before or at the 18-
month RJA deadline

Case Management Order 2021-19-civ Amendment 2

- a. Complex Case Track
 - Designated by court order as complex under FRCP 1.201, or
 - Direct filed to a complex litigation division or declared complex and assigned to a complex litigation division pursuant to AO2017-35-Civ.
- b. Streamlined Cases
- c. General Cases

- Time Standards & Goals
 - a. Complex cases: disposed within 24 months
 - b. General cases: disposed within 18 months
 - c. Streamlined cases: disposed within 12 months

“Exhibit F (County Civil)”

Pathway	Case Type
SMALL CLAIMS (Rules of Civil Procedure Not Invoked)	Not Applicable
EVICTIONS/ UNLAWFUL DETAINER	Not Applicable
STREAMLINED	Animal Abandonment or Abuse Auto Recovery/Repossession Delayed Birth Certificate Approve Minor Settlement Confirm Arbitration Award Replevin Contest Foreign Judgment Consumer Debt \$8000 or greater Enforce Foreign Judgment Foreclosure Distress \$8,000 or greater Vehicle Title Transfer
GENERAL	Personal Injury Protection (PIP) Property Insurance Other Civil Damages \$8000 or greater Other Equity \$8,000 or greater

Mediations

AO 2017-65-CO puts the *burden on both parties to schedule* the mediation.

If not followed, *the mediator shall set it unilaterally.*

Order also imposes a *hard deadline* to complete mediation.



Small Claims Pre-Trial Conferences

SC cases will increase now that the 8K limit has been approved.

Not an absolute right to invoke the Rules of Civil Procedure and a written response to a Statement of Claim will not waive presence at the PTC.



Small Claims Division 47

QUESTIONS?

