

CHAPTER 34
COUNTY COURTS

- 34.01 Jurisdiction of county court.
- 34.011 Jurisdiction in landlord and tenant cases.
- 34.017 Certification of questions to district court of appeal.
- 34.021 Qualifications of county court judges.
- 34.022 Number of county court judges for each county.
- 34.031 Clerk.
- 34.032 Power of clerk to appoint deputies.
- 34.041 Service charges and costs.
- 34.07 Sheriff to be executive officer.
- 34.08 Compensation of sheriff.
- 34.13 Method of prosecution.
- 34.131 To be open for voluntary pleas of guilty.
- 34.161 Persons convicted in county court allowed 48 hours to pay fine before being worked.
- 34.171 Salaries and expenses.
- 34.181 Branch courts.
- 34.191 Fines, forfeitures, and costs.

34.01 Jurisdiction of county court.—

(1) County courts shall have original jurisdiction:

(a) In all misdemeanor cases not cognizable by the circuit courts;

(b) Of all violations of municipal and county ordinances; and

(c) As to causes of action accruing:

1. Before July 1, 1980, of all actions at law in which the matter in controversy does not exceed the sum of \$2,500, exclusive of interest, costs, and attorney's fees, except those within the exclusive jurisdiction of the circuit courts.

2. On or after July 1, 1980, of all actions at law in which the matter in controversy does not exceed the sum of \$5,000, exclusive of interest, costs, and attorney's fees, except those within the exclusive jurisdiction of the circuit courts.

3. On or after July 1, 1990, of actions at law in which the matter in controversy does not exceed the sum of \$10,000, exclusive of interest, costs, and attorney's fees, except those within the exclusive jurisdiction of the circuit courts.

4. On or after July 1, 1992, of actions at law in which the matter in controversy does not exceed the sum of \$15,000, exclusive of interest, costs, and attorney's fees, except those within the exclusive jurisdiction of the circuit courts.

The party instituting any civil action, suit, or proceeding pursuant to this schedule where the amount in controversy is in excess of \$5,000 shall pay to the clerk of the county court the filing fees and service charges in the same amounts and in the same manner as provided in s. 28.241.

(2) The county courts shall have jurisdiction previously exercised by county judges' courts other than that vested in the circuit court by s. 26.012, except that county court judges may hear matters involving dissolution of marriage under the simplified dissolution procedure

pursuant to Rule 1.611(c), Florida Rules of Civil Procedure or may issue a final order for dissolution in cases where the matter is uncontested, and the jurisdiction previously exercised by county courts, the claims court, small claims courts, small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts, and courts of chartered counties, including but not limited to the counties referred to in 'ss. 9, 10, 11, and 24 of Art. VIII of the State Constitution, 1885.

(3) Judges of county courts shall be committing magistrates. Judges of county courts shall be coroners unless otherwise provided by law or by rule of the Supreme Court.

(4) Judges of county courts may hear all matters in equity involved in any case within the jurisdictional amount of the county court, except as otherwise restricted by the State Constitution or the laws of Florida.

History.—s. 6, ch. 3730, 1887; RS 1572, 2833; GS 2034, 3890; s. 1, ch. 6463, 1913; RGS 3325, 3326, 5985; GGL 5169, 5170, 8278; s. 3, ch. 63-559; s. 9, ch. 72-404; s. 1, ch. 77-135; s. 1, ch. 80-165; s. 1, ch. 90-269.

Note.—Sections 9, 10, 11, and 24 of Art. VIII of the Constitution of 1885, as amended, were preserved by s. 6(e), Art. VIII of the Constitution of 1968.

34.011 Jurisdiction in landlord and tenant cases.—

(1) The county court shall have jurisdiction concurrent with the circuit court to consider landlord and tenant cases involving claims in amounts which are within its jurisdictional limitations. The county court may issue a temporary and permanent injunction where appropriate for violation of ss. 83.40 et seq.

(2) The county court shall have exclusive jurisdiction of proceedings relating to the right of possession of real property and to the forcible or unlawful detention of lands and tenements, except that the circuit court also has jurisdiction if the amount in controversy exceeds the jurisdictional limits of the county court or the circuit court otherwise has jurisdiction as provided in s. 26.012. In cases transferred to the circuit court pursuant to Rule 1.170(j), Florida Rules of Civil Procedure, or Rule 7.100(d), Florida Small Claims Rules, the demands of all parties shall be resolved by the circuit court.

History.—s. 7, ch. 72-406; s. 2, ch. 74-209; s. 2, ch. 77-135; s. 1, ch. 91-181; s. 9, ch. 93-255.

34.017 Certification of questions to district court of appeal.—

(1) A county court is permitted to certify a question to the district court of appeal in a final judgment 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.

History.—s. 3, ch. 84-303.

34.021 Qualifications of county court judges.—

(1) No person is eligible for election or appointment to the office of county court judge unless the person is, and has been for the preceding 5 years, a member in good standing of the bar of Florida prior to qualifying for election to such office or submitting his or her name to the appropriate judicial nominating commission for appointment. However, a person is eligible for election or appointment to the office of county court judge in a county having a population of 40,000 or less if he or she is a member in good standing of the bar of Florida.

(2) A county court judge is eligible to seek reelection, notwithstanding the provisions of subsection (1), if, on the first day of the qualification period for election to such office, such judge is actively serving in such office and is not under suspension or disqualification.

(3) Any person who was a county court judge prior to July 1, 1978, in any county having a population of 40,000 or less, according to the last decennial census, and who has successfully completed a 3-year law training program approved by the Supreme Court for the training of county court judges who are not members of The Florida Bar is entitled to such election and to serve as a county court judge in any county having a population of 40,000 or less, the provisions of subsection (1) to the contrary notwithstanding.

(4) Any county judge who is not a member of the bar, in any county having a population of 40,000 or less, according to the last decennial census, and who has successfully completed a law training program approved by the Supreme Court for the training of county court judges who are not members of The Florida Bar is entitled to serve as a county court judge in any county encompassed in the circuit in which the judge has been elected, when assigned thereto.

History.—s. 10, ch. 72-404; s. 1, ch. 78-346; s. 1, ch. 79-411; s. 1, ch. 83-166; s. 1, ch. 84-303; s. 194, ch. 95-147.

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(1) Alachua	5
(2) Baker	1
(3) Bay.....	3
(4) Bradford	1
(5) Brevard.....	7
(6) Broward.....	23
(7) Calhoun.....	1
(8) Charlotte.....	2
(9) Citrus.....	1
(10) Clay.....	2
(11) Collier.....	3
(12) Columbia.....	1
(13) Dade.....	38

(14) DeSoto.....	1
(15) Dixie.....	1
(16) Duval.....	12
(17) Escambia.....	5
(18) Flagler.....	1
(19) Franklin.....	1
(20) Gadsden.....	1
(21) Gilchrist.....	1
(22) Glades.....	1
(23) Gulf.....	1
(24) Hamilton.....	1
(25) Hardee.....	1
(26) Hendry.....	1
(27) Hernando.....	1
(28) Highlands.....	1
(29) Hillsborough.....	13
(30) Holmes.....	1
(31) Indian River.....	2
(32) Jackson.....	1
(33) Jefferson.....	1
(34) Lafayette.....	1
(35) Lake.....	2
(36) Lee.....	6
(37) Leon.....	4
(38) Levy.....	1
(39) Liberty.....	1
(40) Madison.....	1
(41) Manatee.....	3
(42) Marion.....	3
(43) Martin.....	2
(44) Monroe.....	4
(45) Nassau.....	1
(46) Okaloosa.....	2
(47) Okeechobee.....	1
(48) Orange.....	13
(49) Osceola.....	3
(50) Palm Beach.....	17
(51) Pasco.....	3
(52) Pinellas.....	13
(53) Polk.....	6
(54) Putnam.....	1
(55) St. Johns.....	2
(56) St. Lucie.....	3
(57) Santa Rosa.....	2
(58) Sarasota.....	4
(59) Seminole.....	5
(60) Sumter.....	1
(61) Suwannee.....	1
(62) Taylor.....	1
(63) Union.....	1
(64) Volusia.....	9
(65) Wakulla.....	1
(66) Walton.....	1
(67) Washington.....	1

History.—s. 1, ch. 72-406; s. 2, ch. 73-329; s. 19, ch. 73-333; s. 1, ch. 74-306; s. 2, ch. 76-175; s. 2, ch. 77-368; s. 2, ch. 78-166; s. 6, ch. 79-413; s. 3, ch. 80-164; s. 3, ch. 81-220; s. 3, ch. 82-238; s. 7, ch. 84-303; s. 2, ch. 85-218; s. 2, ch. 86-279; s. 2, ch. 87-89; s. 3, ch. 88-167; s. 2, ch. 89-290; s. 2, ch. 90-206; s. 2, ch. 93-63; s. 4, ch. 94-137; s. 2, ch. 95-351.

34.031 Clerk.—The clerk of the circuit court shall be clerk of the county court unless otherwise provided by law.

History.—s. 11, ch. 72-404.

34.032 Power of clerk to appoint deputies.—

(1) With the concurrence of the chief circuit judge of the circuit, the clerk of the circuit court, in his or her capacity as clerk of the county court, may appoint a deputy clerk or clerks of the county court, for whose acts the clerk shall be liable, and the said deputies shall have and exercise each and every power of whatsoever nature and kind as the clerk may exercise as clerk of the county court, except the power to appoint a deputy or deputies.

(2) Any deputy county court clerk appointed for the sole purpose of issuing arrest warrants for violation of chapter 316 or county or municipal ordinances triable in the county courts shall have and exercise only those powers of the clerk which are required to achieve such limited purpose.

(3) Any municipal clerk or deputy municipal clerk appointed as a deputy clerk of the county court shall receive no additional compensation from the state or from any county but may be compensated for such warrant-issuing duties by his or her employing municipality. The limited appointment of any municipal clerk or deputy municipal clerk as a deputy clerk of the county court under this section shall not constitute any appointment to a new office, but rather shall be the conferring of additional powers and duties upon a municipal officer in order to implement revised Art. V of the State Constitution wherein the jurisdiction of municipal courts is transferred to the county courts. It is the expressed intent of the Legislature that the designation of any deputy clerk of the county court herein shall not create any new office but rather shall enlarge the duties and powers of municipal clerks and deputy municipal clerks as provided herein.

(4) Nothing in this section shall limit the power to appoint under s. 28.06.

History.—s. 1, ch. 73-297; s. 195, ch. 95-147.

34.041 Service charges and costs.—

(1) Upon the institution of any civil action or proceeding in county court, the plaintiff, when filing an action or proceeding, shall pay the following service charges:

- (a) For all claims less than \$100.....\$10.00.
- (b) For all claims of \$100 or more but not more than \$2,50025.00.
- (c) For all claims of more than \$2,50040.00.
- (d) In addition, for all proceedings of garnishment, attachment, replevin, and distress35.00.
- (e) For removal of tenant action35.00.

Postal charges incurred by the clerk of the county court in making service by mail on defendants or other parties shall be paid by the party at whose instance service is made. Except as provided herein, service charges for performing duties of the clerk relating to the county court shall be as provided in ss. 28.24 and 28.241. Service charges in excess of those herein fixed may be imposed by the governing authority of the county by ordinance or by special or local law, and such excess shall be expended as provided by such ordinance or any special or local law now or hereafter in force in providing and maintaining facilities, including a law library, for the use of the county court in the county in which the charge

is collected or for a legal aid program. All filing fees shall be retained as fee income of the office of the clerk of circuit court. The sum of all service charges and fees permitted under this subsection may not exceed \$200.

(2) The judge shall have full discretionary power to waive the prepayment of costs or the payment of costs accruing during the action upon the sworn written statement of the plaintiff and upon other satisfactory evidence of the plaintiff's inability to pay such costs. When costs are so waived, the notation to be made on the records shall be "Prepayment of costs waived," or "Costs waived." The term "pauper" or "in forma pauperis" shall not be employed. If a party shall fail to pay accrued costs, though able to do so, the judge shall have power to deny that party the right to file any new case while such costs remain unpaid and, likewise, to deny such litigant the right to proceed further in any case pending. The award of other court costs shall be according to the discretion of the judge who may include therein the reasonable costs of bonds and undertakings and other reasonable court costs incident to the suit incurred by either party.

(3) In criminal proceedings in county courts, costs shall be taxed against a person in county court upon conviction or estreatment pursuant to chapter 939. The provisions of s. 28.241(2) shall not apply to criminal proceedings in county court.

(4) Upon the institution of any appellate proceeding from the county court to the circuit court, there shall be charged and collected from the party or parties instituting such appellate proceedings a service charge as provided in chapter 28.

(5) A charge or a fee may not be imposed upon a party for responding by pleading, motion, or other paper to a civil or criminal action, suit, or proceeding in a county court or to an appeal to the circuit court.

(6) In addition to the filing fees provided in subsection (1), in all civil cases, the sum of \$7.00 per case shall be paid by the plaintiff when filing an action for the purpose of funding the court costs. Such funds shall be remitted to the General Revenue Fund.

History.—ss. 1, 2, 6, 7, 9, ch. 26931, 1951; s. 4, ch. 63-559; s. 12, ch. 70-134; s. 12, ch. 72-404; s. 2, ch. 74-154; s. 4, ch. 77-284; s. 15, ch. 79-400; s. 3, ch. 82-205; s. 5, ch. 87-145; s. 8, ch. 89-290; s. 2, ch. 90-181; s. 2, ch. 90-269; s. 4, ch. 91-152; s. 196, ch. 95-147.

34.07 Sheriff to be executive officer.—

The sheriff of the county shall serve and execute all civil and criminal processes of said court and do and perform all duties in and about said court, which are required to be performed by an executive officer.

History.—s. 12, ch. 3730, 1887; RS 1575, 2838; GS 2037, 3896; RGS 3329, 5993; CGL 5173, 8287.

34.08 Compensation of sheriff.—

The compensation of the sheriff for serving processes in cases in the county court, and for other services in connection therewith, shall be the same as that for like services in the circuit court.

History.—RS 2839; GS 3897; RGS 5994; CGL 8288.

34.13 Method of prosecution.—

(1) All persons tried in the county court on any criminal charge shall be tried upon indictment by the grand jury, upon information filed by the prosecuting attorney, or upon affidavit or complaint.

(2) Upon the finding of indictments by the grand jury for crimes cognizable by the county court, the clerk of the court, without any order therefor, shall docket the same on the trial docket of the county court on or before the first day of its next succeeding term.

(3) The state attorney is authorized to sign affidavits before the judge of the county court when the state attorney has evidence to support such affidavit for a criminal charge over which such court has jurisdiction. The judge shall issue arrest warrants upon such affidavit as is done in all other cases. This procedure shall be cumulative to all other practice and procedure before such courts.

(4) Upon complaint made on affidavit to any county court that any misdemeanor has been committed, the county court judge may issue a warrant on the usual form, making it returnable before himself or herself or another county court judge.

(5) Municipal prosecutors may prosecute violations of municipal ordinances.

(6) Any circuit court clerk acting as clerk of the county court, or any deputy county court clerk appointed for the sole purpose of issuing arrest warrants, or any county court clerk, may administer an oath to and take affidavit of any person charging another person with a violation of a municipal ordinance and may issue a warrant on the usual form, making it returnable to the appropriate county court judge. The authority granted to a clerk or deputy clerk under this section shall be subordinate to that of any state judge.

History.—s. 9, ch. 3730, 1887; RS 2837; GS 3894; RGS 5989; CGL 8283; s. 13, ch. 72-404; s. 2, ch. 73-297; s. 197, ch. 95-147.

34.131 To be open for voluntary pleas of guilty.—

All county courts in this state, in addition to their regular trial terms as now provided by law, shall, at all times, Sundays excepted, be considered open for the reception of voluntary pleas of guilty in all criminal cases pending therein on information, indictment, affidavit, or complaint and for the rendition of judgments and passing of sentences, the same to be entered of record by the clerks of said courts as directed by said judges. And the judges of said courts, at all times, Sundays excepted, may receive such pleas of guilty, when voluntarily offered by the accused, and thereupon at once pronounce judgment of conviction and sentence upon such pleas and direct the entry of the same of record by the clerks of said courts.

History.—s. 2, ch. 4398, 1895; GS 3872; RGS 5967; CGL 8234; s. 1, ch. 24107, 1947; s. 17, ch. 73-333.

Note.—Former s. 32.08.

34.161 Persons convicted in county court allowed 48 hours to pay fine before being worked.—

Any person convicted of crime in the county court who shall have a pecuniary fine or sum of money assessed or adjudged against him or her as punishment may, on being taken into custody by the proper officer of the court or prior to such arrest at any time within 48 hours from the time the

person is sentenced, pay the said fine and cost or give the bail for the payment of such fine and cost of prosecution, as provided in s. 921.15; and such person convicted in the county court shall not be transferred or turned over to persons working the county prisoners until the expiration of 48 hours from the time such person was sentenced by the court.

History.—s. 14, ch. 72-404; s. 198, ch. 95-147.

34.171 Salaries and expenses.—Unless the state shall pay such expenses, the county shall pay all reasonable salaries of bailiffs, secretaries, and assistants of the circuit and county courts and all reasonable expenses of the offices of circuit and county court judges.

History.—s. 15, ch. 72-404.

34.181 Branch courts.—

(1) Any municipality or county may apply to the chief judge of the circuit in which the municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers, and upon such application said chief judge shall direct the court to sit in the location unless he or she shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the Supreme Court for an order directing the county court to sit in such location.

(2) Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

History.—s. 16, ch. 72-404; s. 199, ch. 95-147.

34.191 Fines, forfeitures, and costs.—

(1) All fines and forfeitures arising from offenses tried in the county court shall be collected and accounted for by the clerk of the court and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county, or of municipal ordinances committed within a municipality within the territorial jurisdiction of the county court, shall be paid monthly to the county or municipality respectively except as provided in s. 318.21 or s. 943.25.

(2) All court costs assessed in county court shall be paid to and retained by the county, except as provided in s. 318.14(9) and (10), s. 943.25, and subsection (3) of this section.

(3) If a municipality incurs any cost of operation of the county court, including any cost of prosecution, it may apply to the chief judge of the circuit for an order directing the county to distribute reasonable court costs to the municipality. If not satisfied with the order of the chief judge, the municipality may apply to the Supreme Court for an order apportioning the costs.

History.—ss. 1, 2, ch. 72-70; s. 17, ch. 72-404; s. 3, ch. 80-179; s. 3, ch. 83-215; s. 1, ch. 85-250; s. 1, ch. 85-255; s. 2, ch. 86-154.

Note.—The reference in s. 318.14(9) to court costs was deleted by s. 1, ch. 91-200.