

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH
DISTRICT

Federated National Insurance Company v. Restoration 1 of South
Florida, LLC a/a/o Marie Loiseau

152 So. 3d 1292 (Fla. Dist. Ct. App. 2015) · No. No. 4D14-3404 · Decided January 7, 2015

SUMMARY

The Florida Fourth District Court of Appeal granted Federated National Insurance Company's petition for a writ of prohibition. It held that the circuit court lacked subject matter jurisdiction over the declaratory judgment action because the \$1,196.66 amount in controversy did not exceed the \$15,000 jurisdictional threshold, and directed transfer of the case to county court.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Gross; Taylor; Ciklin
JURISDICTION	Florida
DECIDED	January 7, 2015
DOCKET	No. 4D14-3404
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for writ of prohibition seeking review of the circuit court's assertion of jurisdiction over a declaratory judgment action.
STANDARD OF REVIEW	The court reviewed whether the circuit court had subject matter jurisdiction over the declaratory judgment action.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Federated National Insurance Company v. Restoration 1 of South Florida, LLC a/a/o Marie Loiseau

TOPICS

- subject matter jurisdiction
- appellate procedure
- insurance
- civil procedure

PRACTICE AREAS

- civil procedure
- insurance
- declaratory relief

QUESTIONS PRESENTED

1. Whether the circuit court had subject matter jurisdiction over a declaratory judgment action involving \$1,196.66.
2. Whether the appropriate remedy was to prohibit the circuit court from proceeding and transfer the action to county court.

HOLDINGS

1. A Florida circuit court lacks subject matter jurisdiction over a declaratory judgment action when the amount in controversy does not exceed \$15,000; such an action falls within the jurisdiction of the county court.
2. When the circuit court lacks jurisdiction because the amount in controversy is below the circuit court's jurisdictional amount, the case should be transferred to county court.

KEY QUOTATIONS

“The petition for writ of prohibition is granted. The circuit court lacks subject matter jurisdiction over this declaratory judgment action, because the amount in controversy (\$1,196.66) does not exceed the \$15,000 jurisdictional amount.” (152 So. 3d at 1292)

“The circuit court shall enter an order transferring the case to county court.” (152 So. 3d at 1292)

FACTUAL BACKGROUND

The underlying matter was a declaratory judgment action involving an amount in controversy of \$1,196.66. Because that amount was below the \$15,000 jurisdictional threshold applicable to circuit-court declaratory actions, the district court concluded that the circuit court lacked subject matter jurisdiction.

PROCEDURAL HISTORY

The declaratory judgment action was pending in the Circuit Court for the Seventeenth Judicial Circuit, Broward County. The circuit court asserted jurisdiction, and Federated National Insurance Company petitioned the Fourth District Court of Appeal for a writ of prohibition. The district court granted the petition and directed the circuit court to transfer the case to county court.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The circuit court shall enter an order transferring the case to county court.

CASES CITED

- United Auto. Ins. Co. v. Kendall S. Med. Ctr., 54 So. 3d 543, 544 (Fla. 3d DCA 2011)

- Plantation Gen. Hosp. Ltd. P'ship v. Johnson, 621 So. 2d 551, 553 n.4 (Fla. 4th DCA 1993)
- Plantation Gen. Hosp. Ltd. P'ship v. Johnson, 641 So. 2d 58 (Fla. 1994)
- Spradley v. Doe, 612 So. 2d 722, 724 (Fla. 1st DCA 1993)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT
FEDERATED NATIONAL INSURANCE COMPANY, Petitioner, v. RESTORATION 1 OF
SOUTH FLORIDA, LLC a/a/o Marie Loiseau, Respondent. No. 4D14-3404 [January 7, 2015]
Petition for writ of prohibition to the Circuit Court for the Seventeenth Judicial Circuit, Broward
County; Michael Gates, Judge; L.T. Case No. 14- 008748 CACE.

Warren Kwavnick and Paul Shafranski of Cooney Trybus Kwavnick Peets, Fort Lauderdale, for
petitioner. Erik D. Diener of The Diener Firm, P.A., Plantation, for respondent. PER CURIAM.
The petition for writ of prohibition is granted.

The circuit court lacks subject matter jurisdiction over this declaratory judgment action, because
the amount in controversy (\$1,196.66) does not exceed the \$15,000 jurisdictional amount. The
declaratory judgment statute provides: The circuit and county courts have jurisdiction within their
respective jurisdictional amounts to declare rights, status, and other equitable or legal relations
whether or not further relief is or could be claimed. § 86.011, Fla. Stat. (2014) (emphasis
supplied).

Because the jurisdictional amount is not met in this case, the circuit court lacks jurisdiction.
United Auto. Ins. Co. v. Kendall S. Med. Ctr., 54 So. 3d 543, 544 (Fla. 3d DCA 2011) (“[T]he...
Circuit Court has jurisdiction of a declaratory action only if the amount in controversy exceeds
\$15,000 and only the county court has jurisdiction of any amount in controversy less than
\$15,000.”); Plantation Gen.

Hosp. Ltd. P'ship v. Johnson, 621 So. 2d 551, 553 n.4 (Fla. 4th DCA 1993), quashed on other
grounds, 641 So. 2d 58 (Fla. 1994); Spradley v. Doe, 612 So. 2d 722, 724 (Fla. 1st DCA 1993).
The circuit court shall enter an order transferring the case to county court. Fla. R. Civ. P. 1.060(a).
Petition granted. GROSS, TAYLOR and CIKLIN, JJ., concur. * * * Not final until disposition of
timely filed motion for rehearing.