

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

EXQUISITE CARPET & INTERIORS, INC.,
and WALTER T. HOLBERT, JR.,

Appellants,

v.

MANUAL MARTINEZ and LEAH MARTINEZ,

Appellees.

No. 2D21-2272

December 21, 2022

Appeal from the County Court for Sarasota County; Maryann Olson Boehm, Judge.

Albert J. Tiseo, Jr., of Goldman, Tiseo & Sturges, P.A., Port Charlotte, for Appellants.

Jesse M. Tilden and Michael J. Prohidney of Tilden & Prohidney, PL, Bradenton, for Appellees.

LABRIT, Judge.

Appellants (Exquisite Carpet & Interiors, LLC, and its president, Walter Holbert, Jr., collectively Exquisite) appeal a final judgment in favor of Appellees Manual and Leah Martinez. We reverse the judgment with instructions that it be vacated, because the judgment is void as it exceeds the county court's prescribed jurisdictional limits. Because the

judgment is void, we do not address Exquisite's remaining arguments on the merits of the judgment.

I.

In July 2019, the Martinezes sued Exquisite in county court, alleging claims for breach of contract and unjust enrichment arising from flooring work that Exquisite performed in the Martinez home. As a result of Exquisite's allegedly defective work, the Martinezes alleged they suffered "damages that exceed[] \$5,000.00 but do[] not exceed \$15,000.00, exclusive of attorneys' fees and costs."

After Exquisite answered the complaint and asserted several affirmative defenses, the Martinezes filed a verified motion for summary judgment in which they asserted that their "total recoverable damages flowing from [Exquisite's] breach of contract are \$22,549.39." Following a hearing, the trial court granted the Martinezes' motion and entered a final summary judgment awarding the Martinezes \$23,181.84, representing \$22,549.39 in damages plus recoverable court costs of \$632.45. Two weeks later, Exquisite filed a "Motion for Rehearing and Motion to Set Aside Final Judgment," arguing that the Martinezes' verified summary judgment motion was insufficient to support summary judgment and that fact issues remained for trial. After a hearing on the motion, the trial court entered an order granting the motion for rehearing but denying the motion to set aside the judgment. Exquisite timely appealed.

II.

On appeal, Exquisite argues that the judgment is void because it exceeds the \$15,000 jurisdictional limit of the county court.¹ We review this issue de novo. *See Regions Bank v. Big Bend Invs. Grp. of Fla., LLC*, 311 So. 3d 181, 184 (Fla. 2d DCA 2020) ("Determining whether a judgment is void poses a question of law that we review de novo.").

Article V, section 6(b) of the Florida Constitution provides that "[t]he county courts shall exercise the jurisdiction prescribed by general law." For actions filed before December 31, 2019, the legislature has authorized county courts to exercise jurisdiction over matters in which the amount in controversy (exclusive of interest, costs, and attorney fees) does not exceed \$15,000. *See* § 34.01(1)(c)1, Fla. Stat. (2019).

The "county courts of Florida are courts of limited jurisdiction" and a "county court is precluded from entering a judgment for damages in excess of its mandated jurisdiction." *White v. Marine Transp. Lines, Inc.*, 372 So. 2d 81, 82, 84 (Fla. 1979). A county court judgment that exceeds the county court's prescribed jurisdictional limits is void. *Id.* at 83; *see also Louisville & N.R. Co. v. Sutton*, 44 So. 946, 948 (Fla. 1907) ("If the judgment is an adjudication of a demand or damages claimed or penalty that exceeds [the county court's jurisdictional limit], the county judge had no judicial power to enter the judgment, and it is void.").

The Martinezes concede the judgment exceeds the county court's jurisdictional limit; they ask us to remand this case to the county court

¹ Although Exquisite did not challenge the county court's subject matter jurisdiction and first raised the issue in its initial brief, we nonetheless address it. *See, e.g., DNA Ctr. for Neurology & Rehab. v. Progressive Am. Ins. Co.*, 13 So. 3d 74, 75 (Fla. 5th DCA 2009) ("[S]ubject matter jurisdiction cannot be created by . . . a court's exercise of power." (citing *84 Lumber Co. v. Cooper*, 656 So. 2d 1297, 1298 (Fla. 2d DCA 1994))).

with instructions to enter judgment within its jurisdictional limits. Because the judgment is void, *see id.*, the proper course is to remand this case for further proceedings. *See DNA Ctr. for Neurology & Rehab. v. Progressive Am. Ins. Co.*, 13 So. 3d 74, 75 (Fla. 5th DCA 2009); *see also White*, 372 So. 2d at 82, 84. On remand, if the county court determines that the amount in controversy (exclusive of interest, costs, and attorney fees) exceeds the prescribed jurisdictional limit of \$15,000, the county court should transfer this action to the circuit court. *See Henry's Drive-In, Inc. v. Ideal Rock Prods. Co.*, 140 So. 2d 137, 138 (Fla. 3d DCA 1962); *see also White*, 372 So. 2d at 82–83.

Reversed and remanded with directions to vacate the void judgment.

KELLY and ATKINSON, JJ., Concur.

Opinion subject to revision prior to official publication.