

615 So.2d 258, 18 Fla. L. Weekly D686
(Cite as: 615 So.2d 258)

C

District Court of Appeal of Florida,
Third District.

EMSA LIMITED PARTNERSHIP, Appellant,
v.
COMMUNITY HEALTH RELATED SERVICES,
INC., a Florida corporation, Appellee.

Nos. 92-1010, 92-1046 and 92-1313.
March 9, 1993.

Landlord brought action seeking order removing tenant from leased premises. The Circuit Court, Dade County, James C. Henderson, J., entered order which would oust tenant from possession if tenant failed to comply with specific conditions, and tenant appealed. The District Court of Appeal held that action was one relating to right of possession of real property over which county court had exclusive jurisdiction.

Reversed and remanded with instructions.

West Headnotes

Courts 106 472.3

106 Courts

106VII Concurrent and Conflicting Jurisdiction

106VII(A) Courts of Same State

106VII(A)I In General

106k472 Exclusive or Concurrent Jurisdiction

106k472.3 k. County Courts. Most

Cited Cases

Landlord's action against tenant was action relating to right of possession of real property over which county court had exclusive jurisdiction, so that circuit court could not enter order which would oust tenant from possession if tenant failed to deposit rents into court registry and to return personal property to landlord; landlord's petition sought order removing tenant from leased premises, there

was no claim for money damages, and there was no showing that ordinary legal remedy was inadequate. West's F.S.A. § 34.011(2).

*258 Kurzban, Kurzban & Weinger and Steven M. Weinger and Helena Tetzeli, Miami, for appellant.

No appearance, for appellee.

Before BASKIN, FERGUSON and COPE, JJ.

PER CURIAM.

The dispositive issue raised in this appeal is whether an action for eviction may be decided in the circuit court on a petition for injunctive relief. The challenged order threatens to oust the defendant of possession if there is a failure to deposit an unliquidated amount of rents into the court registry and to return personal property to the plaintiff. We reverse.

In its petition to the circuit court the plaintiff sought an order "removing EMSA from the leased premises." There was no claim for money damages. As framed in *259 the pleadings the subject matter is one over which the county court has jurisdiction. Section 34.011(2), Florida Statutes (1991), provides that the "county court shall have exclusive jurisdiction of proceedings relating to the right of possession of real property...." No claim or showing is made as an exception to the obvious jurisdictional impediment, or that the ordinary legal remedy is inadequate.

Reversed and remanded with instructions to transfer the cause to the county court.

Fla.App. 3 Dist., 1993.

EMSA Ltd. Partnership v. Community Health Related Services, Inc.

615 So.2d 258, 18 Fla. L. Weekly D686

END OF DOCUMENT

Select Year: 2011

The 2011 Florida Statutes

[Title V](#)
JUDICIAL BRANCH

[Chapter 34](#)
COUNTY COURTS

[View Entire Chapter](#)

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.

Copyright © 1995-2012 The Florida Legislature • [Privacy Statement](#) • [Contact Us](#)