



CHAMBER ACTION

The Committee on Judiciary recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to courts; amending ss. 26.012, 27.06, 34.01, 48.20, 142.09, 316.635, 373.603, 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482, 828.122, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, 985.05, F.S., relating to various court procedures; redesignating "magistrates" as "trial court judges"; amending ss. 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035, 206.16, 207.016, 320.411, 393.11, 394.467, 397.311, 397.681, 447.207, 447.403, 447.405, 447.407, 447.409, 475.011, 489.127, 489.531, 496.420, 501.207, 501.618, 559.936, 582.23, 631.182, 631.331, 633.052, 744.369, 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, 945.43,



29 F.S., relating to various administrative and judicial
30 proceedings; redesignating "masters" and "general or
31 special masters" as "general or special magistrates";
32 amending s. 903.02, F.S.; providing that any judge setting
33 or granting bail shall set a separate bail amount for each
34 charge or offense; amending s. 903.046, F.S.; providing
35 that a defendant forfeits the right to a presumption in
36 favor of release on nonmonetary conditions if charged with
37 a second or subsequent felony within a certain time
38 period; amending s. 903.047, F.S.; providing for standard
39 conditions of pretrial release without the trial judge
40 stating such conditions on the record; requiring a
41 defendant to comply with all conditions of a pretrial
42 release program; amending s. 903.26, F.S.; providing that
43 failure of the state attorney to institute extradition
44 proceedings or extradite the principal on a bail bond,
45 after the surety's written agreement to pay actual
46 transportation costs, exonerates the surety; amending s.
47 903.27, F.S.; providing that in cases in which the bond
48 forfeiture has been discharged by the court, the amount of
49 the judgment may not exceed the amount of the unpaid fees
50 or costs upon which the discharge had been conditioned;
51 amending s. 903.31, F.S.; providing that the clerk of
52 court shall furnish an executed certificate of
53 cancellation to the surety; providing that the original
54 appearance bond does not guarantee the defendant's conduct
55 or appearance in court at any time under certain
56 circumstances; amending s. 907.041, F.S.; requiring a



57 | pretrial release service to certify to the court in
 58 | writing that it has conducted certain investigations and
 59 | verified specified conditions before an accused is
 60 | released on nonmonetary conditions; revising requirements
 61 | for the pretrial release of a person charged with a
 62 | dangerous crime; creating s. 903.0465, F.S.; providing
 63 | that a judge at a first appearance may not reduce bail set
 64 | by another judge issuing an arrest warrant; amending s.
 65 | 903.0471, F.S.; authorizing a court to make a finding of
 66 | probable cause on the basis of an affidavit of a law
 67 | enforcement officer when a person on pretrial release is
 68 | arrested for a new law violation; providing an effective
 69 | date.

71 | Be It Enacted by the Legislature of the State of Florida:

73 | Section 1. Subsection (5) is added to section 26.012,
 74 | Florida Statutes, to read:

75 | 26.012 Jurisdiction of circuit court.--
 76 | (5) A circuit court is a trial court.

77 | Section 2. Section 27.06, Florida Statutes, is amended to
 78 | read:

79 | 27.06 Habeas corpus and preliminary trials.--The several
 80 | state attorneys of this state shall represent the state in all
 81 | cases of habeas corpus arising in their respective circuits, and
 82 | shall also represent the state, either in person or by
 83 | assistant, in cases of preliminary trials of persons charged
 84 | with capital offenses in all cases where the committing trial



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85 court judge ~~magistrate~~ shall have given due and timely notice of
 86 the time and place of such trial. Notice of the application for
 87 the writ of habeas corpus shall be given to the prosecuting
 88 officer of the court wherein the statute under attack is being
 89 applied, the criminal law proceeding is being maintained, or the
 90 conviction has occurred.

91 Section 3. Subsections (2) and (3) of section 34.01,
 92 Florida Statutes, are amended, and subsection (5) is added to
 93 said section, to read:

94 34.01 Jurisdiction of county court.--

95 (2) The county courts shall have jurisdiction previously
 96 exercised by county judges' courts other than that vested in the
 97 circuit court by s. 26.012, except that county court judges may
 98 hear matters involving dissolution of marriage under the
 99 simplified dissolution procedure pursuant to ~~Rule 1.611(e),~~
 100 Florida Family Law Rules of ~~Civil~~ Procedure or may issue a final
 101 order for dissolution in cases where the matter is uncontested,
 102 and the jurisdiction previously exercised by county courts, the
 103 claims court, small claims courts, small claims magistrates
 104 courts, magistrates courts, justice of the peace courts,
 105 municipal courts, and courts of chartered counties, including
 106 ,but not limited to, the counties referred to in ss. 9, 10, 11,
 107 and 24, Art. VIII of the State Constitution of 1885.

108 (3) Judges of county courts shall also be committing trial
 109 court judges ~~magistrates~~. Judges of county courts shall be
 110 coroners unless otherwise provided by law or by rule of the
 111 Supreme Court.

112 (5) A county court is a trial court.



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113 Section 4. Section 48.20, Florida Statutes, is amended to
114 read:

115 48.20 Service of process on Sunday.--Service or execution
116 on Sunday of any writ, process, warrant, order, or judgment is
117 void and the person serving or executing, or causing it to be
118 served or executed, is liable to the party aggrieved for damages
119 for so doing as if he or she had done it without any process,
120 writ, warrant, order, or judgment. If affidavit is made by the
121 person requesting service or execution that he or she has good
122 reason to believe that any person liable to have any such writ,
123 process, warrant, order, or judgment served on him or her
124 intends to escape from this state under protection of Sunday,
125 any officer furnished with an order authorizing service or
126 execution by the trial court judge ~~or magistrate of any~~
127 ~~incorporated town~~ may serve or execute such writ, process,
128 warrant, order, or judgment on Sunday, and it is as valid as if
129 it had been done on any other day.

130 Section 5. Section 142.09, Florida Statutes, is amended to
131 read:

132 142.09 If defendant is not convicted or dies.--If the
133 defendant is not convicted, or the prosecution is abated by the
134 death of the defendant, or if the costs are imposed on the
135 defendant and execution against him or her is returned no
136 property found, or if a nolle prosequere be entered, in each of
137 these cases the fees of witnesses and officers arising from
138 criminal causes shall be paid by the county in the manner
139 specified in ss. 142.10-142.12; provided, that when a committing
140 trial court judge ~~magistrate~~ holds to bail or commits a person



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141 to answer to a criminal charge and an information is not filed
142 or an indictment found against such person, the costs and fees
143 of such committing trial shall not be paid by the county, except
144 the costs of executing the warrants.

145 Section 6. Subsection (3) of section 316.635, Florida
146 Statutes, is amended to read:

147 316.635 Courts having jurisdiction over traffic
148 violations; powers relating to custody and detention of
149 minors.--

150 (3) If a minor is taken into custody for a criminal
151 traffic offense or a violation of chapter 322 and the minor does
152 not demand to be taken before a trial court judge, or a civil
153 traffic infraction hearing officer, who has jurisdiction over
154 the offense or violation ~~magistrate~~, the arresting officer or
155 booking officer shall immediately notify, or cause to be
156 notified, the minor's parents, guardian, or responsible adult
157 relative of the action taken. After making every reasonable
158 effort to give notice, the arresting officer or booking officer
159 may:

160 (a) Issue a notice to appear pursuant to chapter 901 and
161 release the minor to a parent, guardian, responsible adult
162 relative, or other responsible adult;

163 (b) Issue a notice to appear pursuant to chapter 901 and
164 release the minor pursuant to s. 903.06;

165 (c) Issue a notice to appear pursuant to chapter 901 and
166 deliver the minor to an appropriate substance abuse treatment or
167 rehabilitation facility or refer the minor to an appropriate
168 medical facility as provided in s. 901.29. If the minor cannot



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169 | be delivered to an appropriate substance abuse treatment or
170 | rehabilitation facility or medical facility, the arresting
171 | officer may deliver the minor to an appropriate intake office of
172 | the Department of Juvenile Justice, which shall take custody of
173 | the minor and make any appropriate referrals; or

174 | (d) If the violation constitutes a felony and the minor
175 | cannot be released pursuant to s. 903.03, transport and deliver
176 | the minor to an appropriate Department of Juvenile Justice
177 | intake office. Upon delivery of the minor to the intake office,
178 | the department shall assume custody and proceed pursuant to
179 | chapter 984 or chapter 985.

180

181 | If action is not taken pursuant to paragraphs (a)-(d), the minor
182 | shall be delivered to the Department of Juvenile Justice, and
183 | the department shall make every reasonable effort to contact the
184 | parents, guardian, or responsible adult relative to take custody
185 | of the minor. If there is no parent, guardian, or responsible
186 | adult relative available, the department may retain custody of
187 | the minor for up to 24 hours.

188 | Section 7. Section 373.603, Florida Statutes, is amended
189 | to read:

190 | 373.603 Power to enforce.--The Department of Environmental
191 | Protection or the governing board of any water management
192 | district and any officer or agent thereof may enforce any
193 | provision of this law or any rule or regulation adopted and
194 | promulgated or order issued thereunder to the same extent as any
195 | peace officer is authorized to enforce the law. Any officer or
196 | agent of any such board may appear before any trial court judge



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197 ~~magistrate~~ empowered to issue warrants in criminal cases and
 198 make an affidavit and apply for the issuance of a warrant in the
 199 manner provided by law. ~~;~~ ~~and said magistrate,~~ If such affidavit
 200 alleges ~~shall allege~~ the commission of an offense, the trial
 201 court judge shall issue a warrant directed to any sheriff or
 202 deputy for the arrest of any offender. The provisions of this
 203 section shall apply to the Florida Water Resources Act of 1972
 204 in its entirety.

205 Section 8. Subsection (4) of section 381.0012, Florida
 206 Statutes, is amended to read:

207 381.0012 Enforcement authority.--

208 (4) The department may appear before any trial court judge
 209 ~~magistrate~~ empowered to issue warrants in criminal cases and
 210 request the issuance of a warrant. The trial court judge
 211 ~~magistrate~~ shall issue a warrant directed to any sheriff,
 212 deputy, or police officer to assist in any way to carry out the
 213 purpose and intent of this chapter.

214 Section 9. Subsections (3) and (4) of section 450.121,
 215 Florida Statutes, are amended to read:

216 450.121 Enforcement of Child Labor Law.--

217 (3) It is the duty of any trial court judge ~~magistrate~~ of
 218 any court in the state to issue warrants and try cases made
 219 within the limit of any municipality ~~city~~ over which such trial
 220 court judge ~~magistrate~~ has jurisdiction in connection with the
 221 violation of this law.

222 (4) Grand juries shall have inquisitorial powers to
 223 investigate violations of this chapter; also, trial ~~county~~ court
 224 judges ~~and judges of the circuit courts~~ shall specially charge



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225 the grand jury, at the beginning of each term of the court, to
226 investigate violations of this chapter.

227 Section 10. Subsection (2) of section 560.306, Florida
228 Statutes, is amended to read:

229 560.306 Standards.--

230 (2) The department may deny registration if it finds that
231 the applicant, or any money transmitter-affiliated party of the
232 applicant, has been convicted of a crime involving moral
233 turpitude in any jurisdiction or of a crime which, if committed
234 in this state, would constitute a crime involving moral
235 turpitude under the laws of this state. For the purposes of this
236 part, a person shall be deemed to have been convicted of a crime
237 if such person has either pleaded guilty to or been found guilty
238 of a charge before a court or a federal magistrate, or by the
239 verdict of a jury, irrespective of the pronouncement of sentence
240 or the suspension thereof. The department may take into
241 consideration the fact that such plea of guilty, or such
242 decision, judgment, or verdict, has been set aside, reversed, or
243 otherwise abrogated by lawful judicial process or that the
244 person convicted of the crime received a pardon from the
245 jurisdiction where the conviction was entered or received a
246 certificate pursuant to any provision of law which removes the
247 disability under this part because of such conviction.

248 Section 11. Section 633.14, Florida Statutes, is amended
249 to read:

250 633.14 Agents; powers to make arrests, conduct searches
251 and seizures, serve summonses, and carry firearms.--Agents of
252 the State Fire Marshal shall have the same authority to serve



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253 summonses, make arrests, carry firearms, and make searches and
254 seizures, as the sheriff or her or his deputies, in the
255 respective counties where such investigations, hearings, or
256 inspections may be held; and affidavits necessary to authorize
257 any such arrests, searches, or seizures may be made before any
258 trial court judge ~~magistrate~~ having authority under the law to
259 issue appropriate processes.

260 Section 12. Paragraph (e) of subsection (1) and paragraph
261 (c) of subsection (2) of section 648.44, Florida Statutes, are
262 amended to read:

263 648.44 Prohibitions; penalty.--

264 (1) A bail bond agent, ~~or~~ temporary bail bond agent, or
265 runner may not:

266 (e) Pay a fee or rebate or give or promise anything of
267 value to a jailer, police officer, peace officer, or committing
268 trial court judge ~~magistrate~~ or any other person who has power
269 to arrest or to hold in custody or to any public official or
270 public employee in order to secure a settlement, compromise,
271 remission, or reduction of the amount of any bail bond or
272 estreatment thereof.

273 (2) The following persons or classes shall not be bail
274 bond agents, temporary bail bond agents, or employees of a bail
275 bond agent or a bail bond business and shall not directly or
276 indirectly receive any benefits from the execution of any bail
277 bond:

278 (c) Committing trial court judges ~~magistrates~~, employees
279 of a court, or employees of the clerk of any court.



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280 Section 13. Subsection (3) of section 817.482, Florida
281 Statutes, is amended to read:

282 817.482 Possessing or transferring device for theft of
283 telecommunications service; concealment of destination of
284 telecommunications service.--

285 (3) Any such instrument, apparatus, equipment, or device,
286 or plans or instructions therefor, referred to in subsections
287 (1) and (2), may be seized by court order or under a search
288 warrant of a judge ~~or magistrate~~ or incident to a lawful arrest;
289 and upon the conviction of any person for a violation of any
290 provision of this act, or s. 817.481, such instrument,
291 apparatus, equipment, device, plans, or instructions either
292 shall be destroyed as contraband by the sheriff of the county in
293 which such person was convicted or turned over to the telephone
294 company in whose territory such instrument, apparatus,
295 equipment, device, plans, or instructions were seized.

296 Section 14. Subsection (5) of section 828.122, Florida
297 Statutes, is amended to read:

298 828.122 Fighting or baiting animals; offenses;
299 penalties.--

300 (5) Whenever an indictment is returned or an information
301 is filed charging a violation of s. 828.12 or of this section
302 and, in the case of an information, a trial court judge
303 ~~magistrate~~ finds probable cause that a violation has occurred,
304 the court shall order the animals seized and shall provide for
305 appropriate and humane care or disposition of the animals. This
306 provision shall not be construed as a limitation on the power to
307 seize animals as evidence at the time of arrest.



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308 Section 15. Subsection (8) of section 832.05, Florida
309 Statutes, is amended to read:

310 832.05 Giving worthless checks, drafts, and debit card
311 orders; penalty; duty of drawee; evidence; costs; complaint
312 form.--

313 (8) COSTS.--When a prosecution is initiated under this
314 section before any committing trial court judge ~~magistrate~~, the
315 party applying for the warrant shall be held liable for costs
316 accruing in the event the case is dismissed for want of
317 prosecution. No costs shall be charged to the county in such
318 dismissed cases.

319 Section 16. Section 876.42, Florida Statutes, is amended
320 to read:

321 876.42 Witnesses' privileges.--No person shall be excused
322 from attending and testifying, or producing any books, papers,
323 or other documents before any court, ~~magistrate~~, referee, or
324 grand jury upon any investigation, proceeding, or trial, for or
325 relating to or concerned with a violation of any section of this
326 law or attempt to commit such violation, upon the ground or for
327 the reason that the testimony or evidence, documentary or
328 otherwise, required by the state may tend to convict the person
329 of a crime or to subject him or her to a penalty or forfeiture;
330 but no person shall be prosecuted or subjected to any penalty or
331 forfeiture for or on account of any transaction, matter, or
332 thing concerning which the person may so testify or produce
333 evidence, documentary or otherwise, and no testimony so given or
334 produced shall be received against the person, upon any criminal
335 investigation, proceeding, or trial, except upon a prosecution



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336 for perjury or contempt of court, based upon the giving or
337 producing of such testimony.

338 Section 17. Paragraph (a) of subsection (1) of section
339 893.12, Florida Statutes, is amended to read:

340 893.12 Contraband; seizure, forfeiture, sale.--

341 (1) All substances controlled by this chapter and all
342 listed chemicals, which substances or chemicals are handled,
343 delivered, possessed, or distributed contrary to any provisions
344 of this chapter, and all such controlled substances or listed
345 chemicals the lawful possession of which is not established or
346 the title to which cannot be ascertained, are declared to be
347 contraband, are subject to seizure and confiscation by any
348 person whose duty it is to enforce the provisions of the
349 chapter, and shall be disposed of as follows:

350 (a) Except as in this section otherwise provided, the
351 court having jurisdiction shall order such controlled substances
352 or listed chemicals forfeited and destroyed. A record of the
353 place where said controlled substances or listed chemicals were
354 seized, of the kinds and quantities of controlled substances or
355 listed chemicals destroyed, and of the time, place, and manner
356 of destruction shall be kept, and a return under oath reporting
357 said destruction shall be made to the court ~~or magistrate~~ by the
358 officer who destroys them.

359 Section 18. Section 901.01, Florida Statutes, is amended
360 to read:

361 901.01 Judicial officers have to be committing authority
362 ~~magistrates~~.--Each state judicial officer is a conservator of
363 the peace and has a committing ~~magistrate with~~ authority to



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364 issue warrants of arrest, commit offenders to jail, and
365 recognize them to appear to answer the charge. He or she may
366 require sureties of the peace when the peace has been
367 substantially threatened or disturbed.

368 Section 19. Subsection (1) of section 901.02, Florida
369 Statutes, is amended to read:

370 901.02 When warrant of arrest to be issued.--

371 (1) A warrant may be issued for the arrest of the person
372 complained against if the trial court judge ~~magistrate~~, from the
373 examination of the complainant and other witnesses, reasonably
374 believes that the person complained against has committed an
375 offense within the trial court judge's ~~magistrate's~~
376 jurisdiction. A warrant is issued at the time it is signed by
377 the trial court judge ~~magistrate~~.

378 Section 20. Section 901.07, Florida Statutes, is amended
379 to read:

380 901.07 Admission to bail when arrest occurs in another
381 county.--

382 (1) When an arrest by a warrant occurs in a county other
383 than the one in which the alleged offense was committed and the
384 warrant issued, if the person arrested has a right to bail, the
385 arresting officer shall inform the person of his or her right
386 and, upon request, shall take the person before a trial court
387 judge ~~magistrate~~ or other official of the same county having
388 authority to admit to bail. The official shall admit the person
389 arrested to bail for his or her appearance before the trial
390 court judge ~~magistrate~~ who issued the warrant.



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391 (2) If the person arrested does not have a right to bail
392 or, when informed of his or her right to bail, does not furnish
393 bail immediately, the officer who made the arrest or the officer
394 having the warrant shall take the person before the trial court
395 judge ~~magistrate~~ who issued the warrant.

396 Section 21. Section 901.08, Florida Statutes, is amended
397 to read:

398 901.08 Issue of warrant when offense triable in another
399 county.--

400 (1) When a complaint before a trial court judge ~~magistrate~~
401 charges the commission of an offense that is punishable by death
402 or life imprisonment and is triable in another county of the
403 state, but it appears that the person against whom the complaint
404 is made is in the county where the complaint is made, the same
405 proceedings for issuing a warrant shall be used as prescribed in
406 this chapter, except that the warrant shall require the person
407 against whom the complaint is made to be taken before a
408 designated trial court judge ~~magistrate~~ of the county in which
409 the offense is triable.

410 (2) If the person arrested has a right to bail, the
411 officer making the arrest shall inform the person of his or her
412 right to bail and, on request, shall take the person before a
413 trial court judge ~~magistrate~~ or other official having authority
414 to admit to bail in the county in which the arrest is made. The
415 official shall admit the person to bail for his or her
416 appearance before the trial court judge ~~magistrate~~ designated in
417 the warrant.



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418 (3) If the person arrested does not have a right to bail
419 or, when informed of his or her right to bail, does not furnish
420 bail immediately, he or she shall be taken before the trial
421 court judge ~~magistrate~~ designated in the warrant.

422 Section 22. Section 901.09, Florida Statutes, is amended
423 to read:

424 901.09 When summons shall be issued.--

425 (1) When the complaint is for an offense that the trial
426 court judge ~~magistrate~~ is empowered to try summarily, the trial
427 court judge ~~magistrate~~ shall issue a summons instead of a
428 warrant, unless she or he reasonably believes that the person
429 against whom the complaint was made will not appear upon a
430 summons, in which event the trial court judge ~~magistrate~~ shall
431 issue a warrant.

432 (2) When the complaint is for a misdemeanor that the trial
433 court judge ~~magistrate~~ is not empowered to try summarily, the
434 trial court judge ~~magistrate~~ shall issue a summons instead of a
435 warrant if she or he reasonably believes that the person against
436 whom the complaint was made will appear upon a summons.

437 (3) The summons shall set forth substantially the nature
438 of the offense and shall command the person against whom the
439 complaint was made to appear before the trial court judge
440 ~~magistrate~~ at a stated time and place.

441 Section 23. Section 901.11, Florida Statutes, is amended
442 to read:

443 901.11 Effect of not answering summons.--Failure to appear
444 as commanded by a summons without good cause is an indirect
445 criminal contempt of court and may be punished by a fine of not



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446 more than \$100. When a person fails to appear as commanded by a
447 summons, the trial court judge ~~magistrate~~ shall issue a warrant.
448 If the trial court judge ~~magistrate~~ acquires reason to believe
449 that the person summoned will not appear as commanded after
450 issuing a summons, the trial court judge ~~magistrate~~ may issue a
451 warrant.

452 Section 24. Section 901.12, Florida Statutes, is amended
453 to read:

454 901.12 Summons against corporation.--When a complaint of
455 an offense is made against a corporation, the trial court judge
456 ~~magistrate~~ shall issue a summons that shall set forth
457 substantially the nature of the offense and command the
458 corporation to appear before the trial court judge ~~magistrate~~ at
459 a stated time and place.

460 Section 25. Subsection (3) of section 901.25, Florida
461 Statutes, is amended to read:

462 901.25 Fresh pursuit; arrest outside jurisdiction.--

463 (3) If an arrest is made in this state by an officer
464 outside the county within which his or her jurisdiction lies,
465 the officer shall immediately notify the officer in charge of
466 the jurisdiction in which the arrest is made. Such officer in
467 charge of the jurisdiction shall, along with the officer making
468 the arrest, take the person so arrested before a trial county
469 ~~court judge or other committing magistrate~~ of the county in
470 which the arrest was made without unnecessary delay.

471 Section 26. Section 902.15, Florida Statutes, is amended
472 to read:



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473 902.15 Undertaking by witness.--When a defendant is held
474 to answer on a charge for a crime punishable by death or life
475 imprisonment, the trial court judge ~~magistrate~~ at the
476 preliminary hearing may require each material witness to enter
477 into a written recognizance to appear at the trial or forfeit a
478 sum fixed by the trial court judge ~~magistrate~~. Additional
479 security may be required in the discretion of the trial court
480 judge ~~magistrate~~.

481 Section 27. Subsections (1), (2), and (3) of section
482 902.17, Florida Statutes, are amended to read:

483 902.17 Procedure when witness does not give security.--

484 (1) If a witness required to enter into a recognizance to
485 appear refuses to comply with the order, the trial court judge
486 ~~magistrate~~ shall commit the witness to custody until she or he
487 complies or she or he is legally discharged.

488 (2) If the trial court judge ~~magistrate~~ requires a witness
489 to give security for her or his appearance and the witness is
490 unable to give the security, the witness may apply to the court
491 having jurisdiction to try the defendant for a reduction of the
492 security.

493 (3) If it appears from examination on oath of the witness
494 or any other person that the witness is unable to give security,
495 the trial court judge ~~magistrate~~ or the court having
496 jurisdiction to try the defendant shall make an order finding
497 that fact, and the witness shall be detained pending application
498 for her or his conditional examination. Within 3 days after ~~from~~
499 the entry of the order, the witness shall be conditionally
500 examined on application of the state or the defendant. The



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501 examination shall be by question and answer in the presence of
502 the other party and counsel, and shall be transcribed by a court
503 reporter or stenographer selected by the parties. At the
504 completion of the examination the witness shall be discharged.
505 The deposition of the witness may be introduced in evidence at
506 the trial by the defendant, or, if the prosecuting attorney and
507 the defendant and the defendant's counsel agree, it may be
508 admitted in evidence by stipulation. The deposition shall not be
509 admitted on behalf of the state without the consent of the
510 defendant.

511 Section 28. Section 902.20, Florida Statutes, is amended
512 to read:

513 902.20 Contempts before committing trial court judge
514 ~~magistrate~~--A committing trial court judge ~~magistrate~~ holding a
515 preliminary hearing shall have the same power to punish for
516 contempts that she or he has while presiding at the trial of
517 criminal cases.

518 Section 29. Section 902.21, Florida Statutes, is amended
519 to read:

520 902.21 Commitment to jail in another county.--If a person
521 is committed in a county where there is no jail, the committing
522 trial court judge ~~magistrate~~ shall direct the sheriff to deliver
523 the accused to a jail in another county.

524 Section 30. Subsection (1) of section 903.03, Florida
525 Statutes, is amended to read:

526 903.03 Jurisdiction of trial court to admit to bail;
527 duties and responsibilities of Department of Corrections.--



528 (1) After a person is held to answer by a trial court
 529 judge ~~magistrate~~, the court having jurisdiction to try the
 530 defendant shall, before indictment, affidavit, or information is
 531 filed, have jurisdiction to hear and decide all preliminary
 532 motions regarding bail and production or impounding of all
 533 articles, writings, moneys, or other exhibits expected to be
 534 used at the trial by either the state or the defendant.

535 Section 31. Subsection (2) of section 903.32, Florida
 536 Statutes, is amended to read:

537 903.32 Defects in bond.--

538 (2) If no day, or an impossible day, is stated in a bond
 539 for the defendant's appearance before a trial court judge
 540 ~~magistrate~~ for a hearing, the defendant shall be bound to appear
 541 10 days after receipt of notice to appear by the defendant, the
 542 defendant's counsel, or any surety on the undertaking. If no
 543 day, or an impossible day, is stated in a bond for the
 544 defendant's appearance for trial, the defendant shall be bound
 545 to appear on the first day of the next term of court that will
 546 commence more than 3 days after the undertaking is given.

547 Section 32. Section 903.34, Florida Statutes, is amended
 548 to read:

549 903.34 Who may admit to bail.--In criminal actions
 550 instituted or pending in any state court, bonds given by
 551 defendants before trial until appeal shall be approved by a
 552 committing trial court judge ~~magistrate~~ or the sheriff. Appeal
 553 bonds shall be approved as provided in s. 924.15.

554 Section 33. Subsection (4) of section 914.22, Florida
 555 Statutes, is amended to read:



556 914.22 Tampering with a witness, victim, or informant.--

557 (4) In a prosecution for an offense under this section, no
558 state of mind need be proved with respect to the circumstance:

559 (a) That the official proceeding before a judge, court,
560 ~~magistrate~~, grand jury, or government agency is before a judge
561 or court of the state, a state or local grand jury, or a state
562 agency; or

563 (b) That the judge is a judge of the state or that the law
564 enforcement officer is an officer or employee of the state or a
565 person authorized to act for or on behalf of the state or
566 serving the state as an adviser or consultant.

567 Section 34. Section 923.01, Florida Statutes, is amended
568 to read:

569 923.01 Criminal report.--Each committing trial court judge
570 ~~magistrate~~ at the time commitment papers are sent by her or him
571 to the proper trial court, and the sheriff when an arrest is
572 made, other than on a capias, shall transmit to the prosecuting
573 attorney of the trial court having jurisdiction, a report in the
574 following form:

575 CRIMINAL REPORT

576 Date: ____ Name and address of defendant: ____ Age: ____ . If
577 under 18, give name and address of parent, next friend, or
578 guardian: ____ Name of offense, such as murder, assault,
579 robbery, etc.: ____ Date and place where committed: ____ Value
580 of property stolen: ____ Kind of property stolen: ____ Kind of
581 building robbed: ____ Name and address of owner of property
582 stolen or building robbed: ____ Name and address of occupant of
583 building robbed: ____ Name of party assaulted or murdered: ____



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584 | Weapon used in assault or murder: ____ Exhibits taken at scene
 585 | of crime or from defendant: ____ Name of custodian of such
 586 | exhibits: ____ Location of building or place where offense
 587 | committed: ____ Previous prison record of defendant: ____ Has
 588 | defendant been arrested: ____ Does defendant desire to plead
 589 | guilty: ____ Names and addresses of state witnesses: ____ Name
 590 | of defendant's lawyer: ____ If defendant is released on bond,
 591 | names and addresses of sureties: ____ Brief statement of facts:
 592 | ____ Name of committing trial court judge ~~magistrate~~: ____ If
 593 | additional space required, use reverse side of this sheet.

594 | ... (Signature of party making this report.) ...

595 | Section 35. Section 933.01, Florida Statutes, is amended
 596 | to read:

597 | 933.01 Persons competent to issue search warrant.--A
 598 | search warrant authorized by law may be issued by any judge,
 599 | including the ~~judge of any circuit court of this state or county~~
 600 | ~~court judge, or~~ committing judge of the trial court ~~magistrate~~
 601 | having jurisdiction where the place, vehicle, or thing to be
 602 | searched may be.

603 | Section 36. Section 933.06, Florida Statutes, is amended
 604 | to read:

605 | 933.06 Sworn application required before issuance.--The
 606 | judge ~~or magistrate~~ must, before issuing the warrant, have the
 607 | application of some person for said warrant duly sworn to and
 608 | subscribed, and may receive further testimony from witnesses or
 609 | supporting affidavits, or depositions in writing, to support the
 610 | application. The affidavit and further proof, if same be had or
 611 | required, must set forth the facts tending to establish the



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612 grounds of the application or probable cause for believing that
613 they exist.

614 Section 37. Subsection (1) of section 933.07, Florida
615 Statutes, is amended to read:

616 933.07 Issuance of search warrants.--

617 (1) The judge, upon examination of the application and
618 proofs submitted, if satisfied that probable cause exists for
619 the issuing of the search warrant, shall thereupon issue a
620 search warrant signed by him or her with his or her name of
621 office, to any sheriff and the sheriff's deputies or any police
622 officer or other person authorized by law to execute process,
623 commanding the officer or person forthwith to search the
624 property described in the warrant or the person named, for the
625 property specified, and to bring the property and any person
626 arrested in connection therewith before the judge ~~magistrate~~ or
627 some other court having jurisdiction of the offense.

628 Section 38. Section 933.10, Florida Statutes, is amended
629 to read:

630 933.10 Execution of search warrant during day or night.--A
631 search warrant issued under ~~the provisions of~~ this chapter may,
632 if expressly authorized in such warrant by the judge ~~or~~
633 ~~magistrate issuing the same~~, be executed by being served either
634 in the daytime or in the nighttime, as the exigencies of the
635 occasion may demand or require.

636 Section 39. Section 933.101, Florida Statutes, is amended
637 to read:



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638 933.101 Service on Sunday.--A search warrant may be
639 executed by being served on Sunday, if expressly authorized in
640 such warrant by the judge ~~or magistrate issuing the same.~~

641 Section 40. Section 933.13, Florida Statutes, is amended
642 to read:

643 933.13 Copy of inventory shall be delivered upon
644 request.--The judge ~~or magistrate~~ to whom the warrant is
645 returned, upon the request of any claimant or any person from
646 whom said property is taken, or the officer who executed the
647 search warrant, shall deliver to said applicant a true copy of
648 the inventory of the property mentioned in the return on said
649 warrant.

650 Section 41. Subsections (1), (3), and (4) of section
651 933.14, Florida Statutes, are amended to read:

652 933.14 Return of property taken under search warrant.--

653 (1) If it appears to the ~~magistrate~~or judge before whom
654 the warrant is returned that the property or papers taken are
655 not the same as that described in the warrant, or that there is
656 no probable cause for believing the existence of the grounds
657 upon which the warrant was issued, or if it appears to the judge
658 ~~magistrate~~ before whom any property is returned that the
659 property was secured by an "unreasonable" search, the judge ~~or~~
660 ~~magistrate~~ may order a return of the property taken; provided,
661 however, that in no instance shall contraband such as slot
662 machines, gambling tables, lottery tickets, tally sheets,
663 rundown sheets, or other gambling devices, paraphernalia and
664 equipment, or narcotic drugs, obscene prints and literature be
665 returned to anyone claiming an interest therein, it being the



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666 specific intent of the Legislature that no one has any property
667 rights subject to be protected by any constitutional provision
668 in such contraband; provided, further, that the claimant of said
669 contraband may upon sworn petition and proof submitted by him or
670 her in the circuit court of the county where seized, show that
671 said contraband articles so seized were held, used or possessed
672 in a lawful manner, for a lawful purpose, and in a lawful place,
673 the burden of proof in all cases being upon the claimant. The
674 sworn affidavit or complaint upon which the search warrant was
675 issued or the testimony of the officers showing probable cause
676 to search without a warrant or incident to a legal arrest, and
677 the finding of such slot machines, gambling tables, lottery
678 tickets, tally sheets, rundown sheets, scratch sheets, or other
679 gambling devices, paraphernalia, and equipment, including money
680 used in gambling or in furtherance of gambling, or narcotic
681 drugs, obscene prints and literature, or any of them, shall
682 constitute prima facie evidence of the illegal possession of
683 such contraband and the burden shall be upon the claimant for
684 the return thereof, to show that such contraband was lawfully
685 acquired, possessed, held, and used.

686 (3) No pistol or firearm taken by any officer with a
687 search warrant or without a search warrant upon a view by the
688 officer of a breach of the peace shall be returned except
689 pursuant to an order of a trial ~~circuit judge or a county~~ court
690 judge.

691 (4) If no cause is shown for the return of any property
692 seized or taken under a search warrant, the judge ~~or magistrate~~
693 shall order that the same be impounded for use as evidence at



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694 any trial of any criminal or penal cause growing out of the
695 having or possession of said property, but perishable property
696 held or possessed in violation of law may be sold where the same
697 is not prohibited, as may be directed by the court, or returned
698 to the person from whom taken. The judge ~~or magistrate~~ to whom
699 said search warrant is returned shall file the same with the
700 inventory and sworn return in the proper office, and if the
701 original affidavit and proofs upon which the warrant was issued
702 are in his or her possession, he or she shall apply to the
703 officer having the same and the officer shall transmit and
704 deliver all of the papers, proofs, and certificates to the
705 proper office where the proceedings are lodged.

706 Section 42. Section 939.02, Florida Statutes, is amended
707 to read:

708 939.02 Costs before committing trial court judge
709 ~~magistrate~~.--All costs accruing before a committing trial court
710 judge ~~magistrate~~ shall be taxed against the defendant on
711 conviction or estreat of recognizance.

712 Section 43. Section 939.14, Florida Statutes, is amended
713 to read:

714 939.14 County not to pay costs in cases where information
715 is not filed or indictment found.--When a committing trial court
716 judge ~~magistrate~~ holds to bail or commits any person to answer a
717 criminal charge in a county court or a circuit court, and an
718 information is not filed nor an indictment found against such
719 person, the costs of such committing trial shall not be paid by
720 the county, except the costs for executing the warrant.



721 Section 44. Section 941.13, Florida Statutes, is amended
722 to read:

723 941.13 Arrest prior to requisition.--Whenever any person
724 within this state shall be charged on the oath of any credible
725 person before any judge ~~or magistrate~~ of this state with the
726 commission of any crime in any other state, and, except in cases
727 arising under s. 941.06, with having fled from justice or with
728 having been convicted of a crime in that state and having
729 escaped from confinement, or having broken the terms of his or
730 her bail, probation, or parole, or whenever complaint shall have
731 been made before any judge ~~or magistrate~~ in this state setting
732 forth on the affidavit of any credible person in another state
733 that a crime has been committed in such other state and that the
734 accused has been charged in such state with the commission of
735 the crime, and, except in cases arising under s. 941.06, has
736 fled from justice, or with having been convicted of a crime in
737 that state and having escaped from confinement, or having broken
738 the terms of his or her bail, probation, or parole, and is
739 believed to be in this state, the judge ~~or magistrate~~ shall
740 issue a warrant directed to any peace officer commanding him or
741 her to apprehend the person named therein, wherever the person
742 may be found in this state, and to bring the person before the
743 same or any other judge, ~~magistrate,~~ or court who or which may
744 be available in, or convenient of, access to the place where the
745 arrest may be made, to answer the charge or complaint and
746 affidavit, and a certified copy of the sworn charge or complaint
747 and affidavit upon which the warrant is issued shall be attached
748 to the warrant.



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749 Section 45. Section 941.14, Florida Statutes, is amended
750 to read:

751 941.14 Arrest without a warrant.--The arrest of a person
752 may be lawfully made also by any peace officer or a private
753 person, without a warrant upon reasonable information that the
754 accused stands charged in the courts of a state with a crime
755 punishable by death or imprisonment for a term exceeding 1 year,
756 but when so arrested the accused must be taken before a judge ~~or~~
757 ~~magistrate~~ with all practicable speed and complaint must be made
758 against the accused under oath setting forth the ground for the
759 arrest as in the preceding section; and thereafter his or her
760 answer shall be heard as if the accused had been arrested on a
761 warrant.

762 Section 46. Section 941.15, Florida Statutes, is amended
763 to read:

764 941.15 Commitment to await requisition; bail.--If from the
765 examination before the judge ~~or magistrate~~ it appears that the
766 person held is the person charged with having committed the
767 crime alleged and, except in cases arising under s. 941.06, that
768 the person has fled from justice, the judge ~~or magistrate~~ must,
769 by a warrant reciting the accusation, commit the person to the
770 county jail for such a time not exceeding 30 days and specified
771 in the warrant, ~~as will enable the arrest of the accused to be~~
772 made under a warrant of the Governor on a requisition of the
773 executive authority of the state having jurisdiction of the
774 offense, unless the accused gives ~~give~~ bail as provided in s.
775 941.16 ~~the next section~~, or until the accused shall be legally
776 discharged.



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777 Section 47. Section 941.17, Florida Statutes, is amended
778 to read:

779 941.17 Extension of time of commitment, adjournment.--If
780 the accused is not arrested under warrant of the Governor by the
781 expiration of the time specified in the warrant or bond, a judge
782 ~~or magistrate~~ may discharge the accused or may recommit him or
783 her for a further period not to exceed 60 days, or a judge ~~or~~
784 ~~magistrate~~ judge may again take bail for his or her appearance
785 and surrender, as provided in s. 941.16, but within a period not
786 to exceed 60 days after the date of such new bond.

787 Section 48. Section 941.18, Florida Statutes, is amended
788 to read:

789 941.18 Forfeiture of bail.--If the prisoner is admitted to
790 bail, and fails to appear and surrender himself or herself
791 according to the conditions of his or her bond, the judge, ~~or~~
792 ~~magistrate by proper order,~~ shall declare the bond forfeited and
793 order his or her immediate arrest without warrant if he or she
794 is ~~be~~ within this state. Recovery may be had on such bond in the
795 name of the state as in the case of other bonds given by the
796 accused in criminal proceedings within this state.

797 Section 49. Subsection (2) of section 947.141, Florida
798 Statutes, is amended to read:

799 947.141 Violations of conditional release, control
800 release, or conditional medical release or addiction-recovery
801 supervision.--

802 (2) Upon the arrest on a felony charge of an offender who
803 is on release supervision under s. 947.1405, s. 947.146, s.
804 947.149, or s. 944.4731, the offender must be detained without



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805 | bond until the initial appearance of the offender at which a
806 | judicial determination of probable cause is made. If the trial
807 | court judge ~~magistrate~~ determines that there was no probable
808 | cause for the arrest, the offender may be released. If the trial
809 | court judge ~~magistrate~~ determines that there was probable cause
810 | for the arrest, such determination also constitutes reasonable
811 | grounds to believe that the offender violated the conditions of
812 | the release. Within 24 hours after the trial court judge's
813 | ~~magistrate's~~ finding of probable cause, the detention facility
814 | administrator or designee shall notify the commission and the
815 | department of the finding and transmit to each a facsimile copy
816 | of the probable cause affidavit or the sworn offense report upon
817 | which the trial court judge's ~~magistrate's~~ probable cause
818 | determination is based. The offender must continue to be
819 | detained without bond for a period not exceeding 72 hours
820 | excluding weekends and holidays after the date of the probable
821 | cause determination, pending a decision by the commission
822 | whether to issue a warrant charging the offender with violation
823 | of the conditions of release. Upon the issuance of the
824 | commission's warrant, the offender must continue to be held in
825 | custody pending a revocation hearing held in accordance with
826 | this section.

827 | Section 50. Subsection (1) of section 948.06, Florida
828 | Statutes, is amended to read:

829 | 948.06 Violation of probation or community control;
830 | revocation; modification; continuance; failure to pay
831 | restitution or cost of supervision.--



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832 (1) Whenever within the period of probation or community
833 control there are reasonable grounds to believe that a
834 probationer or offender in community control has violated his or
835 her probation or community control in a material respect, any
836 law enforcement officer who is aware of the probationary or
837 community control status of the probationer or offender in
838 community control or any parole or probation supervisor may
839 arrest or request any county or municipal law enforcement
840 officer to arrest such probationer or offender without warrant
841 wherever found and forthwith return him or her to the court
842 granting such probation or community control. Any committing
843 trial court judge ~~magistrate~~ may issue a warrant, upon the facts
844 being made known to him or her by affidavit of one having
845 knowledge of such facts, for the arrest of the probationer or
846 offender, returnable forthwith before the court granting such
847 probation or community control. Any parole or probation
848 supervisor, any officer authorized to serve criminal process, or
849 any peace officer of this state is authorized to serve and
850 execute such warrant. Upon the filing of an affidavit alleging a
851 violation of probation or community control and following
852 issuance of a warrant under s. 901.02, the probationary period
853 is tolled until the court enters a ruling on the violation.
854 Notwithstanding the tolling of probation as provided in this
855 subsection, the court shall retain jurisdiction over the
856 offender for any violation of the conditions of probation or
857 community control that is alleged to have occurred during the
858 tolling period. The probation officer is permitted to continue
859 to supervise any offender who remains available to the officer



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860 for supervision until the supervision expires pursuant to the
861 order of probation or community control or until the court
862 revokes or terminates the probation or community control,
863 whichever comes first. The court, upon the probationer or
864 offender being brought before it, shall advise him or her of
865 such charge of violation and, if such charge is admitted to be
866 true, may forthwith revoke, modify, or continue the probation or
867 community control or place the probationer into a community
868 control program. If probation or community control is revoked,
869 the court shall adjudge the probationer or offender guilty of
870 the offense charged and proven or admitted, unless he or she has
871 previously been adjudged guilty, and impose any sentence which
872 it might have originally imposed before placing the probationer
873 on probation or the offender into community control. If such
874 violation of probation or community control is not admitted by
875 the probationer or offender, the court may commit him or her or
876 release him or her with or without bail to await further
877 hearing, or it may dismiss the charge of probation or community
878 control violation. If such charge is not at that time admitted
879 by the probationer or offender and if it is not dismissed, the
880 court, as soon as may be practicable, shall give the probationer
881 or offender an opportunity to be fully heard on his or her
882 behalf in person or by counsel. After such hearing, the court
883 may revoke, modify, or continue the probation or community
884 control or place the probationer into community control. If such
885 probation or community control is revoked, the court shall
886 adjudge the probationer or offender guilty of the offense
887 charged and proven or admitted, unless he or she has previously



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888 | been adjudged guilty, and impose any sentence which it might
 889 | have originally imposed before placing the probationer or
 890 | offender on probation or into community control. Notwithstanding
 891 | s. 775.082, when a period of probation or community control has
 892 | been tolled, upon revocation or modification of the probation or
 893 | community control, the court may impose a sanction with a term
 894 | that when combined with the amount of supervision served and
 895 | tolled, exceeds the term permissible pursuant to s. 775.082 for
 896 | a term up to the amount of the tolled period supervision. If the
 897 | court dismisses an affidavit alleging a violation of probation
 898 | or community control, the offender's probation or community
 899 | control shall continue as previously imposed, and the offender
 900 | shall receive credit for all tolled time against his or her term
 901 | of probation or community control.

902 | Section 51. Paragraph (b) of subsection (4) of section
 903 | 985.05, Florida Statutes, is amended to read:

904 | 985.05 Court records.--

905 | (4) A court record of proceedings under this part is not
 906 | admissible in evidence in any other civil or criminal
 907 | proceeding, except that:

908 | (b) Orders binding an adult over for trial on a criminal
 909 | charge, made by the committing trial court judge ~~as a committing~~
 910 | ~~magistrate~~, are admissible in evidence in the court to which the
 911 | adult is bound over.

912 | Section 52. Section 56.071, Florida Statutes, is amended
 913 | to read:

914 | 56.071 Executions on equities of redemption; discovery of
 915 | value.--On motion made by the party causing a levy to be made on



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916 an equity of redemption, the court from which the execution
 917 issued shall order the mortgagor, mortgagee, and all other
 918 persons interested in the mortgaged property levied on to appear
 919 and be examined about the amount remaining due on the mortgage,
 920 the amount that has been paid, the party to whom that amount has
 921 been paid, and the date when that amount was paid ~~to whom and~~
 922 ~~when paid~~ so that the value of the equity of redemption may be
 923 ascertained before the property ~~it~~ is sold. The court may
 924 appoint a general or special magistrate ~~master~~ to conduct the
 925 examination. This section shall also apply to the interest of
 926 and personal property in possession of a vendee under a retained
 927 title contract or conditional sales contract.

928 Section 53. Subsections (2), (7), and (10) of section
 929 56.29, Florida Statutes, are amended to read:

930 56.29 Proceedings supplementary.--

931 (2) On such plaintiff's motion the court shall require the
 932 defendant in execution to appear before it or a general or
 933 special magistrate ~~master~~ at a time and place specified by the
 934 order in the county of the defendant's residence to be examined
 935 concerning his or her property.

936 (7) At any time the court may refer the proceeding to a
 937 general or special magistrate ~~master~~ who may be directed to
 938 report findings of law or fact, or both. The general or special
 939 magistrate ~~master~~ has all the powers thereof, including the
 940 power to issue subpoena, and shall be paid the fees provided by
 941 law.

942 (10) Any person failing to obey any order issued under
 943 this section by a judge or general or special magistrate ~~master~~



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944 or failing to attend in response to a subpoena served on him or
945 her may be held in contempt.

946 Section 54. Subsection (4) of section 61.1826, Florida
947 Statutes, is amended to read:

948 61.1826 Procurement of services for State Disbursement
949 Unit and the non-Title IV-D component of the State Case
950 Registry; contracts and cooperative agreements; penalties;
951 withholding payment.--

952 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The
953 contract between the Florida Association of Court Clerks and the
954 department, and cooperative agreements entered into by the
955 depositories and the department, must contain, but are not
956 limited to, the following terms:

957 (a) The initial term of the contract and cooperative
958 agreements is for 5 years. The subsequent term of the contract
959 and cooperative agreements is for 3 years, with the option of
960 two 1-year renewal periods, at the sole discretion of the
961 department.

962 (b) The duties and responsibilities of the Florida
963 Association of Court Clerks, the depositories, and the
964 department.

965 (c) Under s. 287.058(1)(a), all providers and
966 subcontractors shall submit to the department directly, or
967 through the Florida Association of Court Clerks, a report of
968 monthly expenditures in a format prescribed by the department
969 and in sufficient detail for a proper preaudit and postaudit
970 thereof.



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971 (d) All providers and subcontractors shall submit to the
972 department directly, or through the Florida Association of Court
973 Clerks, management reports in a format prescribed by the
974 department.

975 (e) All subcontractors shall comply with chapter 280, as
976 may be required.

977 (f) Federal financial participation for eligible Title IV-
978 D expenditures incurred by the Florida Association of Court
979 Clerks and the depositories shall be at the maximum level
980 permitted by federal law for expenditures incurred for the
981 provision of services in support of child support enforcement in
982 accordance with 45 C.F.R. part 74 and Federal Office of
983 Management and Budget Circulars A-87 and A-122 and based on an
984 annual cost allocation study of each depository. The
985 depositories shall submit directly, or through the Florida
986 Association of Court Clerks, claims for Title IV-D expenditures
987 monthly to the department in a standardized format as prescribed
988 by the department. The Florida Association of Court Clerks shall
989 contract with a certified public accounting firm, selected by
990 the Florida Association of Court Clerks and the department, to
991 audit and certify quarterly to the department all claims for
992 expenditures submitted by the depositories for Title IV-D
993 reimbursement.

994 (g) Upon termination of the contracts between the
995 department and the Florida Association of Court Clerks or the
996 depositories, the Florida Association of Court Clerks, its
997 agents, and the depositories shall assist the department in
998 making an orderly transition to a private vendor.



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999 | (h) Interest on late payment by the department shall be in
1000 | accordance with s. 215.422.

1001 |
1002 | If either the department or the Florida Association of Court
1003 | Clerks objects to a term of the standard cooperative agreement
1004 | or contract specified in subsections (2) and (3), the disputed
1005 | term or terms shall be presented jointly by the parties to the
1006 | Attorney General or the Attorney General's designee, who shall
1007 | act as special magistrate ~~master~~. The special magistrate ~~master~~
1008 | shall resolve the dispute in writing within 10 days. The
1009 | resolution of a dispute by the special magistrate ~~master~~ is
1010 | binding on the department and the Florida Association of Court
1011 | Clerks.

1012 | Section 55. Section 64.061, Florida Statutes, is amended
1013 | to read:

1014 | 64.061 Partition of property; commissioners; special
1015 | magistrate ~~master~~.--

1016 | (1) APPOINTMENT AND REMOVAL.--When a judgment of partition
1017 | is made, the court shall appoint three suitable persons as
1018 | commissioners to make the partition. They shall be selected by
1019 | the court unless agreed on by the parties. They may be removed
1020 | by the court for good cause and others appointed in their
1021 | places.

1022 | (2) POWERS, DUTIES, COMPENSATION AND REPORT OF
1023 | COMMISSIONERS.--The commissioners shall be sworn to execute the
1024 | trust imposed in them faithfully and impartially before entering
1025 | on their duties; have power to employ a surveyor, if necessary,
1026 | for the purpose of making partition; be allowed such sum as is



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1027 reasonable for their services; to make partition of the lands in
1028 question according to the court's order and report it in writing
1029 to the court without delay.

1030 (3) EXCEPTIONS TO REPORT AND FINAL JUDGMENT.--Any party
1031 may file objections to the report of the commissioners within 10
1032 days after it is served. If no objections are filed or if the
1033 court is satisfied on hearing any such objections that they are
1034 not well-founded, the report shall be confirmed, and a final
1035 judgment entered vesting in the parties the title to the parcels
1036 of the lands allotted to them respectively, and giving each of
1037 them the possession of and quieting title to their respective
1038 shares as against the other parties to the action or those
1039 claiming through or under them.

1040 (4) APPOINTMENT OF SPECIAL MAGISTRATE ~~MASTER~~ WHERE
1041 PROPERTY NOT SUBJECT TO PARTITION.--On an uncontested allegation
1042 in a pleading that the property sought to be partitioned is
1043 indivisible and is not subject to partition without prejudice to
1044 the owners of it or if a judgment of partition is entered and
1045 the court is satisfied that the allegation is correct, on motion
1046 of any party and notice to the others the court may appoint a
1047 special magistrate ~~master~~ or the clerk to make sale of the
1048 property either at private sale or as provided by s. 64.071.

1049 Section 56. Subsection (5) of section 65.061, Florida
1050 Statutes, is amended to read:

1051 65.061 Quieting title; additional remedy.--

1052 (5) RECORDING FINAL JUDGMENTS.--All final judgments may be
1053 recorded in the county or counties in which the land is situated



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1054 and operate to vest title in like manner as though a conveyance
1055 were executed by a special magistrate ~~master~~ or commissioner.

1056 Section 57. Section 69.051, Florida Statutes, is amended
1057 to read:

1058 69.051 General and special magistrates ~~Masters in~~
1059 ~~chancery~~; compensation.--General and special magistrates
1060 appointed by the court ~~Masters in chancery~~ shall be allowed such
1061 compensation for any services as the court deems reasonable,
1062 including time consumed in legal research required in preparing
1063 and summarizing their findings of fact and law.

1064 Section 58. Section 70.51, Florida Statutes, is amended to
1065 read:

1066 70.51 Land use and environmental dispute resolution.--

1067 (1) This section may be cited as the "Florida Land Use and
1068 Environmental Dispute Resolution Act."

1069 (2) As used in this section, the term:

1070 (a) "Development order" means any order, or notice of
1071 proposed state or regional governmental agency action, which is
1072 or will have the effect of granting, denying, or granting with
1073 conditions an application for a development permit, and includes
1074 the rezoning of a specific parcel. Actions by the state or a
1075 local government on comprehensive plan amendments are not
1076 development orders.

1077 (b) "Development permit" means any building permit, zoning
1078 permit, subdivision approval, certification, special exception,
1079 variance, or any other similar action of local government, as
1080 well as any permit authorized to be issued under state law by
1081 state, regional, or local government which has the effect of



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1082 authorizing the development of real property including, but not
1083 limited to, programs implementing chapters 125, 161, 163, 166,
1084 187, 258, 372, 373, 378, 380, and 403.

1085 (c) "Special magistrate ~~master~~" means a person selected by
1086 the parties to perform the duties prescribed in this section.
1087 The special magistrate ~~master~~ must be a resident of the state
1088 and possess experience and expertise in mediation and at least
1089 one of the following disciplines and a working familiarity with
1090 the others: land use and environmental permitting, land
1091 planning, land economics, local and state government
1092 organization and powers, and the law governing the same.

1093 (d) "Owner" means a person with a legal or equitable
1094 interest in real property who filed an application for a
1095 development permit for the property at the state, regional, or
1096 local level and who received a development order, or who holds
1097 legal title to real property that is subject to an enforcement
1098 action of a governmental entity.

1099 (e) "Proposed use of the property" means the proposal
1100 filed by the owner to develop his or her real property.

1101 (f) "Governmental entity" includes an agency of the state,
1102 a regional or a local government created by the State
1103 Constitution or by general or special act, any county or
1104 municipality, or any other entity that independently exercises
1105 governmental authority. The term does not include the United
1106 States or any of its agencies.

1107 (g) "Land" or "real property" means land and includes any
1108 appurtenances and improvements to the land, including any other



1109 relevant real property in which the owner had a relevant
1110 interest.

1111 (3) Any owner who believes that a development order,
1112 either separately or in conjunction with other development
1113 orders, or an enforcement action of a governmental entity, is
1114 unreasonable or unfairly burdens the use of the owner's real
1115 property, may apply within 30 days after receipt of the order or
1116 notice of the governmental action for relief under this section.

1117 (4) To initiate a proceeding under this section, an owner
1118 must file a request for relief with the elected or appointed
1119 head of the governmental entity that issued the development
1120 order or orders, or that initiated the enforcement action. The
1121 head of the governmental entity may not charge the owner for the
1122 request for relief and must forward the request for relief to
1123 the special magistrate ~~master~~ who is mutually agreed upon by the
1124 owner and the governmental entity within 10 days after receipt
1125 of the request.

1126 (5) The governmental entity with whom a request has been
1127 filed shall also serve a copy of the request for relief by
1128 United States mail or by hand delivery to:

1129 (a) Owners of real property contiguous to the owner's
1130 property at the address on the latest county tax roll.

1131 (b) Any substantially affected party who submitted oral or
1132 written testimony, sworn or unsworn, of a substantive nature
1133 which stated with particularity objections to or support for any
1134 development order at issue or enforcement action at issue.
1135 Notice under this paragraph is required only if that party
1136 indicated a desire to receive notice of any subsequent special



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1137 magistrate ~~master~~ proceedings occurring on the development order
1138 or enforcement action. Each governmental entity must maintain in
1139 its files relating to particular development orders a mailing
1140 list of persons who have presented oral or written testimony and
1141 who have requested notice.

1142 (6) The request for relief must contain:

1143 (a) A brief statement of the owner's proposed use of the
1144 property.

1145 (b) A summary of the development order or description of
1146 the enforcement action. A copy of the development order or the
1147 documentation of an enforcement action at issue must be attached
1148 to the request.

1149 (c) A brief statement of the impact of the development
1150 order or enforcement action on the ability of the owner to
1151 achieve the proposed use of the property.

1152 (d) A certificate of service showing the parties,
1153 including the governmental entity, served.

1154 (7) The special magistrate ~~master~~ may require other
1155 information in the interest of gaining a complete understanding
1156 of the request for relief.

1157 (8) The special magistrate ~~master~~ may conduct a hearing on
1158 whether the request for relief should be dismissed for failing
1159 to include the information required in subsection (6). If the
1160 special magistrate ~~master~~ dismisses the case, the special
1161 magistrate ~~master~~ shall allow the owner to amend the request and
1162 refile. Failure to file an adequate amended request within the
1163 time specified shall result in a dismissal with prejudice as to
1164 this proceeding.



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1165 (9) By requesting relief under this section, the owner
1166 consents to grant the special magistrate ~~master~~ and the parties
1167 reasonable access to the real property with advance notice at a
1168 time and in a manner acceptable to the owner of the real
1169 property.

1170 (10)(a) Before initiating a special magistrate ~~master~~
1171 proceeding to review a local development order or local
1172 enforcement action, the owner must exhaust all nonjudicial local
1173 government administrative appeals if the appeals take no longer
1174 than 4 months. Once nonjudicial local administrative appeals are
1175 exhausted and the development order or enforcement action is
1176 final, or within 4 months after issuance of the development
1177 order or notice of the enforcement action if the owner has
1178 pursued local administrative appeals even if the appeals have
1179 not been concluded, the owner may initiate a proceeding under
1180 this section. Initiation of a proceeding tolls the time for
1181 seeking judicial review of a local government development order
1182 or enforcement action until the special magistrate's ~~master's~~
1183 recommendation is acted upon by the local government. Election
1184 by the owner to file for judicial review of a local government
1185 development order or enforcement action prior to initiating a
1186 proceeding under this section waives any right to a special
1187 magistrate ~~master~~ proceeding.

1188 (b) If an owner requests ~~special-master~~ relief under this
1189 section from a development order or enforcement action issued by
1190 a state or regional agency, the time for challenging agency
1191 action under ss. 120.569 and 120.57 is tolled. If an owner
1192 chooses to bring a proceeding under ss. 120.569 and 120.57



1193 before initiating a ~~special-master~~ proceeding under this
 1194 section, then the owner waives any right to a special magistrate
 1195 ~~master~~ proceeding unless all parties consent to proceeding to
 1196 mediation.

1197 (11) The initial party to the proceeding is the
 1198 governmental entity that issues the development order to the
 1199 owner or that is taking the enforcement action. In those
 1200 instances when the development order or enforcement action is
 1201 the culmination of a process involving more than one
 1202 governmental entity or when a complete resolution of all
 1203 relevant issues would require the active participation of more
 1204 than one governmental entity, the special magistrate ~~master~~ may,
 1205 upon application of a party, join those governmental entities as
 1206 parties to the proceeding if it will assist in effecting the
 1207 purposes of this section, and those governmental entities so
 1208 joined shall actively participate in the procedure.

1209 (12) Within 21 days after receipt of the request for
 1210 relief, any owner of land contiguous to the owner's property and
 1211 any substantially affected person who submitted oral or written
 1212 testimony, sworn or unsworn, of a substantive nature which
 1213 stated with particularity objections to or support for the
 1214 development order or enforcement action at issue may request to
 1215 participate in the proceeding. Those persons may be permitted to
 1216 participate in the hearing but shall not be granted party or
 1217 intervenor status. The participation of such persons is limited
 1218 to addressing issues raised regarding alternatives, variances,
 1219 and other types of adjustment to the development order or
 1220 enforcement action which may impact their substantial interests,



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1221 including denial of the development order or application of an
1222 enforcement action.

1223 (13) Each party must make efforts to assure that those
1224 persons qualified by training or experience necessary to address
1225 issues raised by the request or by the special magistrate ~~master~~
1226 and further qualified to address alternatives, variances, and
1227 other types of modifications to the development order or
1228 enforcement action are present at the hearing.

1229 (14) The special magistrate ~~master~~ may subpoena any
1230 nonparty witnesses in the state whom the special magistrate
1231 ~~master~~ believes will aid in the disposition of the matter.

1232 (15)(a) The special magistrate ~~master~~ shall hold a hearing
1233 within 45 days after his or her receipt of the request for
1234 relief unless a different date is agreed to by all the parties.
1235 The hearing must be held in the county in which the property is
1236 located.

1237 (b) The special magistrate ~~master~~ must provide notice of
1238 the place, date, and time of the hearing to all parties and any
1239 other persons who have requested such notice at least 40 days
1240 prior to the hearing.

1241 (16)(a) Fifteen days following the filing of a request for
1242 relief, the governmental entity that issued the development
1243 order or that is taking the enforcement action shall file a
1244 response to the request for relief with the special magistrate
1245 ~~master~~ together with a copy to the owner. The response must set
1246 forth in reasonable detail the position of the governmental
1247 entity regarding the matters alleged by the owner. The response
1248 must include a brief statement explaining the public purpose of



1249 the regulations on which the development order or enforcement
1250 action is based.

1251 (b) Any governmental entity that is added by the special
1252 magistrate ~~master~~ as a party must file a response to the request
1253 for relief prior to the hearing but not later than 15 days
1254 following its admission.

1255 (c) Any party may incorporate in the response to the
1256 request for relief a request to be dropped from the proceeding.
1257 The request to be dropped must set forth facts and circumstances
1258 relevant to aid the special magistrate ~~master~~ in ruling on the
1259 request. All requests to be dropped must be disposed of prior to
1260 conducting any hearings on the merits of the request for relief.

1261 (17) In all respects, the hearing must be informal and
1262 open to the public and does not require the use of an attorney.
1263 The hearing must operate at the direction and under the
1264 supervision of the special magistrate ~~master~~. The object of the
1265 hearing is to focus attention on the impact of the governmental
1266 action giving rise to the request for relief and to explore
1267 alternatives to the development order or enforcement action and
1268 other regulatory efforts by the governmental entities in order
1269 to recommend relief, when appropriate, to the owner.

1270 (a) The first responsibility of the special magistrate
1271 ~~master~~ is to facilitate a resolution of the conflict between the
1272 owner and governmental entities to the end that some
1273 modification of the owner's proposed use of the property or
1274 adjustment in the development order or enforcement action or
1275 regulatory efforts by one or more of the governmental parties
1276 may be reached. Accordingly, the special magistrate ~~master~~ shall



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1277 act as a facilitator or mediator between the parties in an
1278 effort to effect a mutually acceptable solution. The parties
1279 shall be represented at the mediation by persons with authority
1280 to bind their respective parties to a solution, or by persons
1281 with authority to recommend a solution directly to the persons
1282 with authority to bind their respective parties to a solution.

1283 (b) If an acceptable solution is not reached by the
1284 parties after the special magistrate's ~~master's~~ attempt at
1285 mediation, the special magistrate ~~master~~ shall consider the
1286 facts and circumstances set forth in the request for relief and
1287 any responses and any other information produced at the hearing
1288 in order to determine whether the action by the governmental
1289 entity or entities is unreasonable or unfairly burdens the real
1290 property.

1291 (c) In conducting the hearing, the special magistrate
1292 ~~master~~ may hear from all parties and witnesses that are
1293 necessary to an understanding of the matter. The special
1294 magistrate ~~master~~ shall weigh all information offered at the
1295 hearing.

1296 (18) The circumstances to be examined in determining
1297 whether the development order or enforcement action, or the
1298 development order or enforcement action in conjunction with
1299 regulatory efforts of other governmental parties, is
1300 unreasonable or unfairly burdens use of the property may
1301 include, but are not limited to:

1302 (a) The history of the real property, including when it
1303 was purchased, how much was purchased, where it is located, the



1304 nature of the title, the composition of the property, and how it
1305 was initially used.

1306 (b) The history or development and use of the real
1307 property, including what was developed on the property and by
1308 whom, if it was subdivided and how and to whom it was sold,
1309 whether plats were filed or recorded, and whether infrastructure
1310 and other public services or improvements may have been
1311 dedicated to the public.

1312 (c) The history of environmental protection and land use
1313 controls and other regulations, including how and when the land
1314 was classified, how use was proscribed, and what changes in
1315 classifications occurred.

1316 (d) The present nature and extent of the real property,
1317 including its natural and altered characteristics.

1318 (e) The reasonable expectations of the owner at the time
1319 of acquisition, or immediately prior to the implementation of
1320 the regulation at issue, whichever is later, under the
1321 regulations then in effect and under common law.

1322 (f) The public purpose sought to be achieved by the
1323 development order or enforcement action, including the nature
1324 and magnitude of the problem addressed by the underlying
1325 regulations on which the development order or enforcement action
1326 is based; whether the development order or enforcement action is
1327 necessary to the achievement of the public purpose; and whether
1328 there are alternative development orders or enforcement action
1329 conditions that would achieve the public purpose and allow for
1330 reduced restrictions on the use of the property.



1331 (g) Uses authorized for and restrictions placed on similar
1332 property.

1333 (h) Any other information determined relevant by the
1334 special magistrate ~~master~~.

1335 (19) Within 14 days after the conclusion of the hearing,
1336 the special magistrate ~~master~~ shall prepare and file with all
1337 parties a written recommendation.

1338 (a) If the special magistrate ~~master~~ finds that the
1339 development order at issue, or the development order or
1340 enforcement action in combination with the actions or
1341 regulations of other governmental entities, is not unreasonable
1342 or does not unfairly burden the use of the owner's property, the
1343 special magistrate ~~master~~ must recommend that the development
1344 order or enforcement action remain undisturbed and the
1345 proceeding shall end, subject to the owner's retention of all
1346 other available remedies.

1347 (b) If the special magistrate ~~master~~ finds that the
1348 development order or enforcement action, or the development
1349 order or enforcement action in combination with the actions or
1350 regulations of other governmental entities, is unreasonable or
1351 unfairly burdens use of the owner's property, the special
1352 magistrate ~~master~~, with the owner's consent to proceed, may
1353 recommend one or more alternatives that protect the public
1354 interest served by the development order or enforcement action
1355 and regulations at issue but allow for reduced restraints on the
1356 use of the owner's real property, including, but not limited to:

1357 1. An adjustment of land development or permit standards
1358 or other provisions controlling the development or use of land.



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- 1359 2. Increases or modifications in the density, intensity,
1360 or use of areas of development.
- 1361 3. The transfer of development rights.
- 1362 4. Land swaps or exchanges.
- 1363 5. Mitigation, including payments in lieu of onsite
1364 mitigation.
- 1365 6. Location on the least sensitive portion of the
1366 property.
- 1367 7. Conditioning the amount of development or use
1368 permitted.
- 1369 8. A requirement that issues be addressed on a more
1370 comprehensive basis than a single proposed use or development.
- 1371 9. Issuance of the development order, a variance, special
1372 exception, or other extraordinary relief, including withdrawal
1373 of the enforcement action.
- 1374 10. Purchase of the real property, or an interest therein,
1375 by an appropriate governmental entity.
- 1376 (c) This subsection does not prohibit the owner and
1377 governmental entity from entering in to an agreement as to the
1378 permissible use of the property prior to the special magistrate
1379 ~~master~~ entering a recommendation. An agreement for a permissible
1380 use must be incorporated in the special magistrate's ~~master's~~
1381 recommendation.
- 1382 (20) The special magistrate's ~~master's~~ recommendation is a
1383 public record under chapter 119. However, actions or statements
1384 of all participants to the special magistrate ~~master~~ proceeding
1385 are evidence of an offer to compromise and inadmissible in any
1386 proceeding, judicial or administrative.



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1387 (21) Within 45 days after receipt of the special
1388 magistrate's ~~master's~~ recommendation, the governmental entity
1389 responsible for the development order or enforcement action and
1390 other governmental entities participating in the proceeding must
1391 consult among themselves and each governmental entity must:

1392 (a) Accept the recommendation of the special magistrate
1393 ~~master~~ as submitted and proceed to implement it by development
1394 agreement, when appropriate, or by other method, in the ordinary
1395 course and consistent with the rules and procedures of that
1396 governmental entity. However, the decision of the governmental
1397 entity to accept the recommendation of the special magistrate
1398 ~~master~~ with respect to granting a modification, variance, or
1399 special exception to the application of statutes, rules,
1400 regulations, or ordinances as they would otherwise apply to the
1401 subject property does not require an owner to duplicate previous
1402 processes in which the owner has participated in order to
1403 effectuate the granting of the modification, variance, or
1404 special exception;

1405 (b) Modify the recommendation as submitted by the special
1406 magistrate ~~master~~ and proceed to implement it by development
1407 agreement, when appropriate, or by other method, in the ordinary
1408 course and consistent with the rules and procedures of that
1409 governmental entity; or

1410 (c) Reject the recommendation as submitted by the special
1411 magistrate ~~master~~. Failure to act within 45 days is a rejection
1412 unless the period is extended by agreement of the owner and
1413 issuer of the development order or enforcement action.



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1414 (22) If a governmental entity accepts the special
1415 magistrate's ~~master's~~ recommendation or modifies it and the
1416 owner rejects the acceptance or modification, or if a
1417 governmental entity rejects the special magistrate's ~~master's~~
1418 recommendation, the governmental entity must issue a written
1419 decision within 30 days that describes as specifically as
1420 possible the use or uses available to the subject real property.

1421 (23) The procedure established by this section may not
1422 continue longer than 165 days, unless the period is extended by
1423 agreement of the parties. A decision describing available uses
1424 constitutes the last prerequisite to judicial action and the
1425 matter is ripe or final for subsequent judicial proceedings
1426 unless the owner initiates a proceeding under ss. 120.569 and
1427 120.57. If the owner brings a proceeding under ss. 120.569 and
1428 120.57, the matter is ripe when the proceeding culminates in a
1429 final order whether further appeal is available or not.

1430 (24) The procedure created by this section is not itself,
1431 nor does it create, a judicial cause of action. Once the
1432 governmental entity acts on the special magistrate's ~~master's~~
1433 recommendation, the owner may elect to file suit in a court of
1434 competent jurisdiction. Invoking the procedures of this section
1435 is not a condition precedent to filing a civil action.

1436 (25) Regardless of the action the governmental entity
1437 takes on the special magistrate's ~~master's~~ recommendation, a
1438 recommendation that the development order or enforcement action,
1439 or the development order or enforcement action in combination
1440 with other governmental regulatory actions, is unreasonable or
1441 unfairly burdens use of the owner's real property may serve as



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1442 an indication of sufficient hardship to support modification,
1443 variances, or special exceptions to the application of statutes,
1444 rules, regulations, or ordinances to the subject property.

1445 (26) A special magistrate's ~~master's~~ recommendation under
1446 this section constitutes data in support of, and a support
1447 document for, a comprehensive plan or comprehensive plan
1448 amendment, but is not, in and of itself, dispositive of a
1449 determination of compliance with chapter 163. Any comprehensive
1450 plan amendment necessary to carry out the approved
1451 recommendation of a special magistrate ~~master~~ under this section
1452 is exempt from the twice-a-year limit on plan amendments and may
1453 be adopted by the local government amendments in s.
1454 163.3184(16)(d).

1455 (27) The special magistrate ~~master~~ shall send a copy of
1456 the recommendation in each case to the Department of Legal
1457 Affairs. Each governmental entity, within 15 days after its
1458 action on the special magistrate's ~~master's~~ recommendation,
1459 shall notify the Department of Legal Affairs in writing as to
1460 what action the governmental entity took on the special
1461 magistrate's ~~master's~~ recommendation.

1462 (28) Each governmental entity may establish procedural
1463 guidelines to govern the conduct of proceedings authorized by
1464 this section, which must include, but are not limited to,
1465 payment of special magistrate ~~master~~ fees and expenses,
1466 including the costs of providing notice and effecting service of
1467 the request for relief under this section, which shall be borne
1468 equally by the governmental entities and the owner.



1469 (29) This section shall be liberally construed to effect
 1470 fully its obvious purposes and intent, and governmental entities
 1471 shall direct all available resources and authorities to effect
 1472 fully the obvious purposes and intent of this section in
 1473 resolving disputes. Governmental entities are encouraged to
 1474 expedite notice and time-related provisions to implement
 1475 resolution of disputes under this section. The procedure
 1476 established by this section may be used to resolve disputes in
 1477 pending judicial proceedings, with the agreement of the parties
 1478 to the judicial proceedings, and subject to the approval of the
 1479 court in which the judicial proceedings are pending. The
 1480 provisions of this section are cumulative, and do not supplant
 1481 other methods agreed to by the parties and lawfully available
 1482 for arbitration, mediation, or other forms of alternative
 1483 dispute resolution.

1484 (30) This section applies only to development orders
 1485 issued, modified, or amended, or to enforcement actions issued,
 1486 on or after October 1, 1995.

1487 Section 59. Subsection (1) of section 92.142, Florida
 1488 Statutes, is amended to read:

1489 92.142 Witnesses; pay.--

1490 (1) Witnesses in all cases, civil and criminal, in all
 1491 courts, now or hereafter created, and witnesses summoned before
 1492 any arbitrator or general or special magistrate appointed by the
 1493 court ~~master in chancery~~ shall receive for each day's actual
 1494 attendance \$5 and also 6 cents per mile for actual distance
 1495 traveled to and from the courts. A witness in a criminal case
 1496 required to appear in a county other than the county of his or



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1497 her residence and residing more than 50 miles from the location
 1498 of the trial shall be entitled to per diem and travel expenses
 1499 at the same rate provided for state employees under s. 112.061,
 1500 in lieu of any other witness fee at the discretion of the court.

1501 Section 60. Section 112.41, Florida Statutes, is amended
 1502 to read:

1503 112.41 Contents of order of suspension; Senate select
 1504 committee; special magistrate ~~examiner~~.--

1505 (1) The order of the Governor, in suspending any officer
 1506 pursuant to the provisions of s. 7, Art. IV of the State
 1507 Constitution, shall specify facts sufficient to advise both the
 1508 officer and the Senate as to the charges made or the basis of
 1509 the suspension.

1510 (2) The Senate shall conduct a hearing in the manner
 1511 prescribed by rules of the Senate adopted for this purpose.

1512 (3) The Senate may provide for a select committee to be
 1513 appointed by the Senate in accordance with its rules for the
 1514 purpose of hearing the evidence and making its recommendation to
 1515 the Senate as to the removal or reinstatement of the suspended
 1516 officer.

1517 (4) The Senate may, in lieu of the use of a select
 1518 committee, appoint a ~~special examiner or a~~ special magistrate
 1519 ~~master~~ to receive the evidence and make recommendations to the
 1520 Senate.

1521 Section 61. Section 112.43, Florida Statutes, is amended
 1522 to read:

1523 112.43 Prosecution of suspension before Senate.--All
 1524 suspensions heard by the Senate, a select committee, or special



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1525 magistrate ~~master, or examiner~~ in accordance with rules of the
1526 Senate shall be prosecuted by the Governor, the Governor's legal
1527 staff, or an attorney designated by the Governor. Should the
1528 Senate, or the select committee appointed by the Senate to hear
1529 the evidence and to make recommendations, desire private
1530 counsel, either the Senate or the select committee shall be
1531 entitled to employ its own counsel for this purpose. Nothing
1532 herein shall prevent the Senate or its select committee from
1533 making its own investigation and presenting such evidence as its
1534 investigation may reveal. The Governor may request the advice of
1535 the Department of Legal Affairs relative to the suspension order
1536 prior to its issuance by the Governor. Following the issuance of
1537 the suspension order, either the Senate or the select committee
1538 may request the Department of Legal Affairs to provide counsel
1539 for the Senate to advise on questions of law or otherwise advise
1540 with the Senate or the select committee, but the Department of
1541 Legal Affairs shall not be required to prosecute before the
1542 Senate or the committee and shall, pursuant to the terms of this
1543 section, act as the legal adviser only.

1544 Section 62. Section 112.47, Florida Statutes, is amended
1545 to read:

1546 112.47 Hearing before Senate select committee;
1547 notice.--The Senate shall afford each suspended official a
1548 hearing before a select committee or special magistrate, ~~master,~~
1549 ~~or examiner~~, and shall notify such suspended official of the
1550 time and place of the hearing sufficiently in advance thereof to
1551 afford such official an opportunity fully and adequately to
1552 prepare such defenses as the official may be advised are



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1553 necessary and proper, and all such defenses may be presented by
1554 the official or by the official's attorney. In the furtherance
1555 of this provision the Senate shall adopt sufficient procedural
1556 rules to afford due process both to the Governor in the
1557 presentation of his or her evidence and to the suspended
1558 official, but in the absence of such adoption, this section
1559 shall afford a full and complete hearing, public in nature, as
1560 required by the State Constitution. However, nothing in this
1561 part shall prevent either the select committee or the Senate
1562 from conducting portions of the hearing in executive session if
1563 the Senate rules so provide.

1564 Section 63. Subsection (2) of section 162.03, Florida
1565 Statutes, is amended to read:

1566 162.03 Applicability.--

1567 (2) A charter county, a noncharter county, or a
1568 municipality may, by ordinance, adopt an alternate code
1569 enforcement system that ~~which~~ gives code enforcement boards or
1570 special magistrates ~~masters~~ designated by the local governing
1571 body, or both, the authority to hold hearings and assess fines
1572 against violators of the respective county or municipal codes
1573 and ordinances. A special magistrate ~~master~~ shall have the same
1574 status as an enforcement board under this chapter. References in
1575 this chapter to an enforcement board, except in s. 162.05, shall
1576 include a special magistrate ~~master~~ if the context permits.

1577 Section 64. Subsection (5) of section 162.06, Florida
1578 Statutes, is amended to read:

1579 162.06 Enforcement procedure.--



1580 (5) If the owner of property that ~~which~~ is subject to an
 1581 enforcement proceeding before an enforcement board, special
 1582 magistrate ~~master~~, or court transfers ownership of such property
 1583 between the time the initial pleading was served and the time of
 1584 the hearing, such owner shall:

1585 (a) Disclose, in writing, the existence and the nature of
 1586 the proceeding to the prospective transferee.

1587 (b) Deliver to the prospective transferee a copy of the
 1588 pleadings, notices, and other materials relating to the code
 1589 enforcement proceeding received by the transferor.

1590 (c) Disclose, in writing, to the prospective transferee
 1591 that the new owner will be responsible for compliance with the
 1592 applicable code and with orders issued in the code enforcement
 1593 proceeding.

1594 (d) File a notice with the code enforcement official of
 1595 the transfer of the property, with the identity and address of
 1596 the new owner and copies of the disclosures made to the new
 1597 owner, within 5 days after the date of the transfer.

1598
 1599 A failure to make the disclosures described in paragraphs (a),
 1600 (b), and (c) before the transfer creates a rebuttable
 1601 presumption of fraud. If the property is transferred before the
 1602 hearing, the proceeding shall not be dismissed, but the new
 1603 owner shall be provided a reasonable period of time to correct
 1604 the violation before the hearing is held.

1605 Section 65. Paragraph (d) of subsection (2) of section
 1606 162.09, Florida Statutes, is amended to read:

1607 162.09 Administrative fines; costs of repair; liens.--



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1608 (2)
 1609 (d) A county or a municipality having a population equal
 1610 to or greater than 50,000 may adopt, by a vote of at least a
 1611 majority plus one of the entire governing body of the county or
 1612 municipality, an ordinance that gives code enforcement boards or
 1613 special magistrates ~~masters~~, or both, authority to impose fines
 1614 in excess of the limits set forth in paragraph (a). Such fines
 1615 shall not exceed \$1,000 per day per violation for a first
 1616 violation, \$5,000 per day per violation for a repeat violation,
 1617 and up to \$15,000 per violation if the code enforcement board or
 1618 special magistrate ~~master~~ finds the violation to be irreparable
 1619 or irreversible in nature. In addition to such fines, a code
 1620 enforcement board or special magistrate ~~master~~ may impose
 1621 additional fines to cover all costs incurred by the local
 1622 government in enforcing its codes and all costs of repairs
 1623 pursuant to subsection (1). Any ordinance imposing such fines
 1624 shall include criteria to be considered by the code enforcement
 1625 board or special magistrate ~~master~~ in determining the amount of
 1626 the fines, including, but not limited to, those factors set
 1627 forth in paragraph (b).

1628 Section 66. Section 173.09, Florida Statutes, is amended
 1629 to read:

1630 173.09 Judgment for complainant; special magistrate's
 1631 ~~master's~~ sale; complainant may purchase and later sell.--

1632 (1) Any such decree shall direct the special magistrate
 1633 ~~master~~ thereby appointed to sell the several parcels of land
 1634 separately to the highest and best bidder for cash (or, at the
 1635 option of complainant, to the extent of special assessments



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1636 included in such judgment, for bonds or interest coupons issued
1637 by complainant), at public outcry at the courthouse door of the
1638 county in which such suit is pending, or at such point or place
1639 in the complainant municipality as the court in such final
1640 decree may direct, after having advertised such sale (which
1641 advertisement may include all lands so ordered sold) once each
1642 week for 2 consecutive weeks in some newspaper published in the
1643 municipality ~~city or town~~ in which ~~is~~ the complainant arose or,
1644 if there is no such newspaper, in a newspaper published in the
1645 county in which the suit is pending, and if all the lands so
1646 advertised for sale be not sold on the day specified in such
1647 advertisement, such sale shall be continued from day to day
1648 until the sale of all such land is completed.

1649 (2) Such sales shall be subject to confirmation by the
1650 court, and the ~~said~~ special magistrate ~~master~~ shall, upon
1651 confirmation of the sale or sales, deliver to the purchaser or
1652 purchasers at said sale a deed of conveyance of the property so
1653 sold; provided, however, that in any case where any lands are
1654 offered for sale by the special magistrate ~~master~~ and the sum of
1655 the tax, tax certificates and special assessments, interest,
1656 penalty, costs, and attorney's fee is not bid for the same, the
1657 complainant may bid the whole amount due and the special
1658 magistrate ~~master~~ shall thereupon convey such parcel or parcels
1659 of land to the complainant.

1660 (3) The property so bid in by complainant shall become its
1661 property in fee simple and may be disposed of by it in the
1662 manner provided by law, except that in the sale or disposition
1663 of any such lands the municipality ~~city or town~~ may, in its



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1664 discretion, accept in payment or part payment therefor any bonds
1665 or interest coupons constituting liabilities of the municipality
1666 ~~said city or town~~.

1667 Section 67. Section 173.10, Florida Statutes, is amended
1668 to read:

1669 173.10 Judgment for complainant; court may order payment
1670 of other taxes or sale subject to taxes; special magistrate's
1671 ~~master's~~ conveyances.--

1672 (1) In the judgment or decree the court may, in its
1673 discretion, direct the payment of all unpaid state and county
1674 taxes and also all unpaid municipal ~~city or town~~ taxes and
1675 special assessments or installments thereof, imposed or falling
1676 due since the institution of the suit, with the penalties and
1677 costs, out of the proceeds of such foreclosure sale, or it may
1678 order and direct such sale or sales to be made subject to such
1679 state, ~~and county,~~ and municipal ~~city or town~~ taxes and special
1680 assessments.

1681 (2) Any and all conveyances by the special magistrate
1682 ~~master~~ shall vest in the purchaser the fee simple title to the
1683 property so sold, subject only to such liens for state and
1684 county taxes or taxing districts whose liens are of equal
1685 dignity, and liens for municipal taxes and special assessments,
1686 or installments thereof, as are not directed by the decree of
1687 sale to be paid out of the proceeds of said sale.

1688 Section 68. Section 173.11, Florida Statutes, is amended
1689 to read:

1690 173.11 Distribution of proceeds of sale.--The proceeds of
1691 any foreclosure sale authorized by this chapter shall be



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1692 distributed by the special magistrate ~~master~~ conducting the sale
1693 according to the final decree, and if any surplus remains after
1694 the payment of the full amount of the decree, costs and
1695 attorney's fees, and any subsequent tax liens that ~~which~~ may be
1696 directed by such decree to be paid from the proceeds of sale,
1697 such surplus shall be deposited with the clerk of the court and
1698 disbursed under order of the court.

1699 Section 69. Section 173.12, Florida Statutes, is amended
1700 to read:

1701 173.12 Lands may be redeemed prior to sale.--Any person
1702 interested in any lands included in the suit may redeem such
1703 lands at any time prior to the sale thereof by the special
1704 magistrate ~~master~~ by paying into the registry of the court the
1705 amount due for delinquent taxes, interest and penalties thereon,
1706 and such proportionate part of the expense, attorney's fees, and
1707 costs of suit as may have been fixed by the court in its decree
1708 of sale, or by written stipulation of complainant, and thereupon
1709 such lands shall be dismissed from the cause.

1710 Section 70. Subsection (1) of section 194.013, Florida
1711 Statutes, is amended to read:

1712 194.013 Filing fees for petitions; disposition; waiver.--

1713 (1) If so required by resolution of the value adjustment
1714 board, a petition filed pursuant to s. 194.011 shall be
1715 accompanied by a filing fee to be paid to the clerk of the value
1716 adjustment board in an amount determined by the board not to
1717 exceed \$15 for each separate parcel of property, real or
1718 personal, covered by the petition and subject to appeal.
1719 However, no such filing fee may be required with respect to an



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1720 appeal from the disapproval of homestead exemption under s.
 1721 196.151 or from the denial of tax deferral under s. 197.253.
 1722 Only a single filing fee shall be charged under this section as
 1723 to any particular parcel of property despite the existence of
 1724 multiple issues and hearings pertaining to such parcel. For
 1725 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a
 1726 single filing fee shall be charged. Such fee shall be calculated
 1727 as the cost of the special magistrate ~~master~~ for the time
 1728 involved in hearing the joint petition and shall not exceed \$5
 1729 per parcel. Said fee is to be proportionately paid by affected
 1730 parcel owners.

1731 Section 71. Paragraph (d) of subsection (1) and
 1732 subsections (2) and (6) of section 194.034, Florida Statutes,
 1733 are amended to read:

1734 194.034 Hearing procedures; rules.--

1735 (1)

1736 (d) Notwithstanding the provisions of this subsection, no
 1737 petitioner may present for consideration, nor may a board or
 1738 special magistrate ~~master~~ accept for consideration, testimony or
 1739 other evidentiary materials that were requested of the
 1740 petitioner in writing by the property appraiser of which the
 1741 petitioner had knowledge and denied to the property appraiser.

1742 (2) In each case, except when a complaint is withdrawn by
 1743 the petitioner or is acknowledged as correct by the property
 1744 appraiser, the value adjustment board shall render a written
 1745 decision. All such decisions shall be issued within 20 calendar
 1746 days after ~~of~~ the last day the board is in session under s.
 1747 194.032. The decision of the board shall contain findings of



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1748 fact and conclusions of law and shall include reasons for
1749 upholding or overturning the determination of the property
1750 appraiser. When a special magistrate ~~master~~ has been appointed,
1751 the recommendations of the special magistrate ~~master~~ shall be
1752 considered by the board. The clerk, upon issuance of the
1753 decisions, shall, on a form provided by the Department of
1754 Revenue, notify by first-class mail each taxpayer, the property
1755 appraiser, and the department of the decision of the board.

1756 (6) For purposes of hearing joint petitions filed pursuant
1757 to s. 194.011(3)(e), each included parcel shall be considered by
1758 the board as a separate petition. Such separate petitions shall
1759 be heard consecutively by the board. If a special magistrate
1760 ~~master~~ is appointed, such separate petitions shall all be
1761 assigned to the same special magistrate ~~master~~.

1762 Section 72. Section 194.035, Florida Statutes, is amended
1763 to read:

1764 194.035 Special magistrates ~~masters~~; property
1765 evaluators.--

1766 (1) In counties having a population of more than 75,000,
1767 the board shall appoint special magistrates ~~masters~~ for the
1768 purpose of taking testimony and making recommendations to the
1769 board, which recommendations the board may act upon without
1770 further hearing. These ~~Such~~ special magistrates ~~masters~~ may not
1771 be elected or appointed officials or employees of the county but
1772 shall be selected from a list of those qualified individuals who
1773 are willing to serve as special magistrates ~~masters~~. Employees
1774 and elected or appointed officials of a taxing jurisdiction or
1775 of the state may not serve as special magistrates ~~masters~~. The



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1776 clerk of the board shall annually notify such individuals or
1777 their professional associations to make known to them that
1778 opportunities to serve as special magistrates ~~masters~~ exist. The
1779 Department of Revenue shall provide a list of qualified special
1780 magistrates ~~masters~~ to any county with a population of 75,000 or
1781 less. Subject to appropriation, the department shall reimburse
1782 counties with a population of 75,000 or less for payments made
1783 to special magistrates ~~masters~~ appointed for the purpose of
1784 taking testimony and making recommendations to the value
1785 adjustment board pursuant to this section. The department shall
1786 establish a reasonable range for payments per case to special
1787 magistrates ~~masters~~ based on such payments in other counties.
1788 Requests for reimbursement of payments outside this range shall
1789 be justified by the county. If the total of all requests for
1790 reimbursement in any year exceeds the amount available pursuant
1791 to this section, payments to all counties shall be prorated
1792 accordingly. A special magistrate ~~master~~ appointed to hear
1793 issues of exemptions and classifications shall be a member of
1794 The Florida Bar with no less than 5 years' experience in the
1795 area of ad valorem taxation. A special magistrate ~~master~~
1796 appointed to hear issues regarding the valuation of real estate
1797 shall be a state certified real estate appraiser with not less
1798 than 5 years' experience in real property valuation. A special
1799 magistrate ~~master~~ appointed to hear issues regarding the
1800 valuation of tangible personal property shall be a designated
1801 member of a nationally recognized appraiser's organization with
1802 not less than 5 years' experience in tangible personal property
1803 valuation. A special magistrate ~~master~~ need not be a resident of



1804 the county in which he or she serves. A ~~No~~ special magistrate
 1805 may not ~~master shall be permitted to~~ represent a person before
 1806 the board in any tax year during which he or she has served that
 1807 board as a special magistrate ~~master~~. The board shall appoint
 1808 special magistrates ~~such masters~~ from the list so compiled prior
 1809 to convening of the board. The expense of hearings before
 1810 special magistrates ~~masters~~ and any compensation of special
 1811 magistrates ~~masters~~ shall be borne three-fifths by the board of
 1812 county commissioners and two-fifths by the school board.

1813 (2) The value adjustment board of each county may employ
 1814 qualified property appraisers or evaluators to appear before the
 1815 value adjustment board at that meeting of the board which is
 1816 held for the purpose of hearing complaints. Such property
 1817 appraisers or evaluators shall present testimony as to the just
 1818 value of any property the value of which is contested before the
 1819 board and shall submit to examination by the board, the
 1820 taxpayer, and the property appraiser.

1821 Section 73. Section 206.16, Florida Statutes, is amended
 1822 to read:

1823 206.16 Officer selling property.--

1824 (1) No sheriff, receiver, assignee, general or special
 1825 magistrate ~~master~~, or other officer shall sell the property or
 1826 franchise of any person for failure to pay fuel taxes,
 1827 penalties, or interest without first filing with the department
 1828 a statement containing the following information:

1829 (a) The name of the plaintiff or party at whose instance
 1830 or upon whose account the sale is made. +



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1831 (b) The name of the person whose property or franchise is
1832 to be sold.

1833 (c) The time and place of sale.

1834 (d) The nature of the property and the location of the
1835 same.

1836 (2) The department, after receiving notice as aforesaid,
1837 shall furnish to the sheriff, receiver, trustee, assignee,
1838 general or special magistrate ~~master~~, or other officer having
1839 charge of the sale a certified copy or copies of all fuel taxes,
1840 penalties, and interest on file in the office of the department
1841 as liens against such person, and, in the event there are no
1842 such liens, a certificate showing that fact, which certified
1843 copies or copy of certificate shall be publicly read by such
1844 officer at and immediately before the sale of the property or
1845 franchise of such person.

1846 Section 74. Section 207.016, Florida Statutes, is amended
1847 to read:

1848 207.016 Officer's sale of property or franchise.--

1849 (1) No sheriff, receiver, assignee, general or special
1850 magistrate ~~master~~, or other officer shall sell the property or
1851 franchise of any person for failure to pay taxes, penalties, or
1852 interest without first filing with the department a statement
1853 containing the following information:

1854 (a) The name of the plaintiff or party at whose instance
1855 or upon whose account the sale is made.

1856 (b) The name of the person whose property or franchise is
1857 to be sold.

1858 (c) The time and place of sale.



1859 (d) The nature of the property and the location of the
1860 same.

1861 (2) The department, after receiving notice as provided in
1862 subsection (1), shall furnish to the sheriff, receiver, trustee,
1863 assignee, general or special magistrate ~~master~~, or other officer
1864 having charge of the sale a certified copy or copies of all
1865 taxes, penalties, and interest on file in the office of the
1866 department as liens against such person and, in the event there
1867 are no such liens, a certificate showing that fact, which
1868 certified copy or copies of certificate shall be publicly read
1869 by such officer at and immediately before the sale of the
1870 property or franchise of such person.

1871 Section 75. Section 320.411, Florida Statutes, is amended
1872 to read:

1873 320.411 Officer's sale of property or franchise.--

1874 (1) No sheriff, receiver, assignee, general or special
1875 magistrate ~~master~~, or other officer shall sell the property or
1876 franchise of any motor carrier for failure to pay taxes,
1877 penalties, or interest without first filing with the department
1878 a statement containing the following information:

1879 (a) The name of the plaintiff or party at whose instance
1880 or upon whose account the sale is made.

1881 (b) The name of the motor carrier whose property or
1882 franchise is to be sold.

1883 (c) The time and place of sale.

1884 (d) The nature of the property and the location of the
1885 same.



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1886 (2) The department, after receiving notice as provided in
 1887 subsection (1), shall furnish to the sheriff, receiver, trustee,
 1888 assignee, general or special magistrate ~~master~~, or other officer
 1889 having charge of the sale a certified copy of all taxes,
 1890 penalties, and interest on file in the office of the department
 1891 as liens against such motor carrier and, in the event there are
 1892 no such liens, a certificate showing that fact, which certified
 1893 copy or copies of certificate shall be publicly read by such
 1894 officer at and immediately before the sale of the property or
 1895 franchise of such motor carrier.

1896 Section 76. Subsection (7) of section 393.11, Florida
 1897 Statutes, is amended to read:

1898 393.11 Involuntary admission to residential services.--

1899 (7) HEARING.--

1900 (a) The hearing for involuntary admission shall be
 1901 conducted, and the order shall be entered, in the county in
 1902 which the person is residing or be as convenient to the person
 1903 as may be consistent with orderly procedure. The hearing shall
 1904 be conducted in a physical setting not likely to be injurious to
 1905 the person's condition.

1906 (b) A hearing on the petition shall be held as soon as
 1907 practicable after the petition is filed, but reasonable delay
 1908 for the purpose of investigation, discovery, or procuring
 1909 counsel or witnesses shall be granted.

1910 (c) The court may appoint a general or special magistrate
 1911 ~~master~~ to preside. Except as otherwise specified, the
 1912 magistrate's ~~master's~~ proceeding shall be governed by Rule
 1913 1.490, Florida Rules of Civil Procedure.



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1914 (d) The person with mental retardation shall be physically
1915 present throughout the entire proceeding. If the person's
1916 attorney believes that the person's presence at the hearing is
1917 not in the person's best interest, the person's presence may be
1918 waived once the court has seen the person and the hearing has
1919 commenced.

1920 (e) The person shall have the right to present evidence
1921 and to cross-examine all witnesses and other evidence alleging
1922 the appropriateness of the person's admission to residential
1923 care. Other relevant and material evidence regarding the
1924 appropriateness of the person's admission to residential
1925 services; the most appropriate, least restrictive residential
1926 placement; and the appropriate care, treatment, and habilitation
1927 of the person, including written or oral reports, may be
1928 introduced at the hearing by any interested person.

1929 (f) The petitioning commission may be represented by
1930 counsel at the hearing. The petitioning commission shall have
1931 the right to call witnesses, present evidence, cross-examine
1932 witnesses, and present argument on behalf of the petitioning
1933 commission.

1934 (g) All evidence shall be presented according to chapter
1935 90. The burden of proof shall be on the party alleging the
1936 appropriateness of the person's admission to residential
1937 services. The burden of proof shall be by clear and convincing
1938 evidence.

1939 (h) All stages of each proceeding shall be
1940 stenographically reported.



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1941 Section 77. Subsections (6) and (7) of section 394.467,
1942 Florida Statutes, are amended to read:
1943 394.467 Involuntary placement.--
1944 (6) HEARING ON INVOLUNTARY PLACEMENT.--
1945 (a)1. The court shall hold the hearing on involuntary
1946 placement within 5 days, unless a continuance is granted. The
1947 hearing shall be held in the county where the patient is located
1948 and shall be as convenient to the patient as may be consistent
1949 with orderly procedure and shall be conducted in physical
1950 settings not likely to be injurious to the patient's condition.
1951 If the court finds that the patient's attendance at the hearing
1952 is not consistent with the best interests of the patient, and
1953 the patient's counsel does not object, the court may waive the
1954 presence of the patient from all or any portion of the hearing.
1955 The state attorney for the circuit in which the patient is
1956 located shall represent the state, rather than the petitioning
1957 facility administrator, as the real party in interest in the
1958 proceeding.

1959 2. The court may appoint a general or special magistrate
1960 ~~master~~ to preside at the hearing. One of the professionals who
1961 executed the involuntary placement certificate shall be a
1962 witness. The patient and the patient's guardian or
1963 representative shall be informed by the court of the right to an
1964 independent expert examination. If the patient cannot afford
1965 such an examination, the court shall provide for one. The
1966 independent expert's report shall be confidential and not
1967 discoverable, unless the expert is to be called as a witness for
1968 the patient at the hearing. The testimony in the hearing must be



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1969 | given under oath, and the proceedings must be recorded. The
1970 | patient may refuse to testify at the hearing.

1971 | (b) If the court concludes that the patient meets the
1972 | criteria for involuntary placement, it shall order that the
1973 | patient be transferred to a treatment facility or, if the
1974 | patient is at a treatment facility, that the patient be retained
1975 | there or be treated at any other appropriate receiving or
1976 | treatment facility, or that the patient receive services from a
1977 | receiving or treatment facility, on an involuntary basis, for a
1978 | period of up to 6 months. The order shall specify the nature and
1979 | extent of the patient's mental illness. The facility shall
1980 | discharge a patient any time the patient no longer meets the
1981 | criteria for involuntary placement, unless the patient has
1982 | transferred to voluntary status.

1983 | (c) If at any time prior to the conclusion of the hearing
1984 | on involuntary placement it appears to the court that the person
1985 | does not meet the criteria for involuntary placement under this
1986 | chapter, but instead meets the criteria for involuntary
1987 | assessment, protective custody, or involuntary admission
1988 | pursuant to s. 397.675, then the court may order the person to
1989 | be admitted for involuntary assessment for a period of 5 days
1990 | pursuant to s. 397.6811. Thereafter, all proceedings shall be
1991 | governed by chapter 397.

1992 | (d) At the hearing on involuntary placement, the court
1993 | shall consider testimony and evidence regarding the patient's
1994 | competence to consent to treatment. If the court finds that the
1995 | patient is incompetent to consent to treatment, it shall appoint
1996 | a guardian advocate as provided in s. 394.4598.



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1997 (e) The administrator of the receiving facility shall
1998 provide a copy of the court order and adequate documentation of
1999 a patient's mental illness to the administrator of a treatment
2000 facility whenever a patient is ordered for involuntary
2001 placement, whether by civil or criminal court. Such
2002 documentation shall include any advance directives made by the
2003 patient, a psychiatric evaluation of the patient, and any
2004 evaluations of the patient performed by a clinical psychologist
2005 or a clinical social worker. The administrator of a treatment
2006 facility may refuse admission to any patient directed to its
2007 facilities on an involuntary basis, whether by civil or criminal
2008 court order, who is not accompanied at the same time by adequate
2009 orders and documentation.

2010 (7) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.--

2011 (a) Hearings on petitions for continued involuntary
2012 placement shall be administrative hearings and shall be
2013 conducted in accordance with the provisions of s. 120.57(1),
2014 except that any order entered by the administrative law judge
2015 ~~hearing officer~~ shall be final and subject to judicial review in
2016 accordance with s. 120.68. Orders concerning patients committed
2017 after successfully pleading not guilty by reason of insanity
2018 shall be governed by the provisions of s. 916.15.

2019 (b) If the patient continues to meet the criteria for
2020 involuntary placement, the administrator shall, prior to the
2021 expiration of the period during which the treatment facility is
2022 authorized to retain the patient, file a petition requesting
2023 authorization for continued involuntary placement. The request
2024 shall be accompanied by a statement from the patient's physician



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2025 or clinical psychologist justifying the request, a brief
2026 description of the patient's treatment during the time he or she
2027 was involuntarily placed, and an individualized plan of
2028 continued treatment. Notice of the hearing shall be provided as
2029 set forth in s. 394.4599. If at the hearing the administrative
2030 law judge ~~hearing officer~~ finds that attendance at the hearing
2031 is not consistent with the best interests of the patient, the
2032 administrative law judge ~~hearing officer~~ may waive the presence
2033 of the patient from all or any portion of the hearing, unless
2034 the patient, through counsel, objects to the waiver of presence.
2035 The testimony in the hearing must be under oath, and the
2036 proceedings must be recorded.

2037 (c) Unless the patient is otherwise represented or is
2038 ineligible, he or she shall be represented at the hearing on the
2039 petition for continued involuntary placement by the public
2040 defender of the circuit in which the facility is located.

2041 (d) If at a hearing it is shown that the patient continues
2042 to meet the criteria for involuntary placement, the
2043 administrative law judge shall sign the order for continued
2044 involuntary placement for a period not to exceed 6 months. The
2045 same procedure shall be repeated prior to the expiration of each
2046 additional period the patient is retained.

2047 (e) If continued involuntary placement is necessary for a
2048 patient admitted while serving a criminal sentence, but whose
2049 sentence is about to expire, or for a patient involuntarily
2050 placed while a minor but who is about to reach the age of 18,
2051 the administrator shall petition the administrative law judge
2052 for an order authorizing continued involuntary placement.



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2053 (f) If the patient has been previously found incompetent
 2054 to consent to treatment, the administrative law judge hearing
 2055 ~~officer~~ shall consider testimony and evidence regarding the
 2056 patient's competence. If the administrative law judge hearing
 2057 ~~officer~~ finds evidence that the patient is now competent to
 2058 consent to treatment, the administrative law judge hearing
 2059 ~~officer~~ may issue a recommended order to the court that found
 2060 the patient incompetent to consent to treatment that the
 2061 patient's competence be restored and that any guardian advocate
 2062 previously appointed be discharged.

2063 Section 78. Subsection (7) of section 397.311, Florida
 2064 Statutes, is amended to read:

2065 397.311 Definitions.--As used in this chapter, except part
 2066 VIII:

2067 (7) "Court" means, with respect to all involuntary
 2068 proceedings under this chapter, the circuit court of the county
 2069 in which the judicial proceeding is pending or where the
 2070 substance abuse impaired person resides or is located, and
 2071 includes any general or special magistrate ~~master~~ that may be
 2072 appointed by the chief judge to preside over all or part of such
 2073 proceeding. Otherwise, "court" refers to the court of legal
 2074 jurisdiction in the context in which the term is used in this
 2075 chapter.

2076 Section 79. Subsection (1) of section 397.681, Florida
 2077 Statutes, is amended to read:

2078 397.681 Involuntary petitions; general provisions; court
 2079 jurisdiction and right to counsel.--



2080 (1) JURISDICTION.--The courts have jurisdiction of
 2081 involuntary assessment and stabilization petitions and
 2082 involuntary treatment petitions for substance abuse impaired
 2083 persons, and such petitions must be filed with the clerk of the
 2084 court in the county where the person is located. The chief judge
 2085 may appoint a general or special magistrate ~~master~~ to preside
 2086 over all or part of the proceedings. The alleged impaired person
 2087 is named as the respondent.

2088 Section 80. Subsection (5) of section 447.207, Florida
 2089 Statutes, is amended to read:

2090 447.207 Commission; powers and duties.--

2091 (5) The commission shall adopt rules as to the
 2092 qualifications of persons who may serve as mediators and special
 2093 magistrates ~~masters~~ and shall maintain lists of such qualified
 2094 persons who are not employees of the commission. The commission
 2095 may initiate dispute resolution procedures by special
 2096 magistrates ~~masters~~, pursuant to the provisions of this part.

2097 Section 81. Subsections (2), (3), and (4) of section
 2098 447.403, Florida Statutes, are amended to read:

2099 447.403 Resolution of impasses.--

2100 (2)(a) If no mediator is appointed, or upon the request of
 2101 either party, the commission shall appoint, and submit all
 2102 unresolved issues to, a special magistrate ~~master~~ acceptable to
 2103 both parties. If the parties are unable to agree on the
 2104 appointment of a special magistrate ~~master~~, the commission shall
 2105 appoint, in its discretion, a qualified special magistrate
 2106 ~~master~~. However, if the parties agree in writing to waive the
 2107 appointment of a special magistrate ~~master~~, the parties may



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2108 proceed directly to resolution of the impasse by the legislative
2109 body pursuant to paragraph (4)(d). Nothing in this section
2110 precludes the parties from using the services of a mediator at
2111 any time during the conduct of collective bargaining.

2112 (b) If the Governor is the public employer, no special
2113 magistrate ~~master~~ shall be appointed. The parties may proceed
2114 directly to the Legislature for resolution of the impasse
2115 pursuant to paragraph (4)(d).

2116 (3) The special magistrate ~~master~~ shall hold hearings in
2117 order to define the area or areas of dispute, to determine facts
2118 relating to the dispute, and to render a decision on any and all
2119 unresolved contract issues. The hearings shall be held at times,
2120 dates, and places to be established by the special magistrate
2121 ~~master~~ in accordance with rules promulgated by the commission.
2122 The special magistrate ~~master~~ shall be empowered to administer
2123 oaths and issue subpoenas on behalf of the parties to the
2124 dispute or on his or her own behalf. Within 15 calendar days
2125 after the close of the final hearing, the special magistrate
2126 ~~master~~ shall transmit his or her recommended decision to the
2127 commission and to the representatives of both parties by
2128 registered mail, return receipt requested. Such recommended
2129 decision shall be discussed by the parties, and each
2130 recommendation of the special magistrate ~~master~~ shall be deemed
2131 approved by both parties unless specifically rejected by either
2132 party by written notice filed with the commission within 20
2133 calendar days after the date the party received the special
2134 magistrate's ~~master's~~ recommended decision. The written notice



2135 shall include a statement of the cause for each rejection and
2136 shall be served upon the other party.

2137 (4) If either the public employer or the employee
2138 organization does not accept, in whole or in part, the
2139 recommended decision of the special magistrate ~~master~~:

2140 (a) The chief executive officer of the governmental entity
2141 involved shall, within 10 days after rejection of a
2142 recommendation of the special magistrate ~~master~~, submit to the
2143 legislative body of the governmental entity involved a copy of
2144 the findings of fact and recommended decision of the special
2145 magistrate ~~master~~, together with the chief executive officer's
2146 recommendations for settling the disputed impasse issues. The
2147 chief executive officer shall also transmit his or her
2148 recommendations to the employee organization. ;

2149 (b) The employee organization shall submit its
2150 recommendations for settling the disputed impasse issues to such
2151 legislative body and to the chief executive officer. ;

2152 (c) The legislative body or a duly authorized committee
2153 thereof shall forthwith conduct a public hearing at which the
2154 parties shall be required to explain their positions with
2155 respect to the rejected recommendations of the special
2156 magistrate ~~master~~. ;

2157 (d) Thereafter, the legislative body shall take such
2158 action as it deems to be in the public interest, including the
2159 interest of the public employees involved, to resolve all
2160 disputed impasse issues. ; ~~and~~

2161 (e) Following the resolution of the disputed impasse
2162 issues by the legislative body, the parties shall reduce to



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2163 writing an agreement which includes those issues agreed to by
 2164 the parties and those disputed impasse issues resolved by the
 2165 legislative body's action taken pursuant to paragraph (d). The
 2166 agreement shall be signed by the chief executive officer and the
 2167 bargaining agent and shall be submitted to the public employer
 2168 and to the public employees who are members of the bargaining
 2169 unit for ratification. If such agreement is not ratified by all
 2170 parties, pursuant to the provisions of s. 447.309, the
 2171 legislative body's action taken pursuant to the provisions of
 2172 paragraph (d) shall take effect as of the date of such
 2173 legislative body's action for the remainder of the first fiscal
 2174 year which was the subject of negotiations; however, the
 2175 legislative body's action shall not take effect with respect to
 2176 those disputed impasse issues which establish the language of
 2177 contractual provisions which could have no effect in the absence
 2178 of a ratified agreement, including, but not limited to,
 2179 preambles, recognition clauses, and duration clauses.

2180 Section 82. Section 447.405, Florida Statutes, is amended
 2181 to read:

2182 447.405 Factors to be considered by the special magistrate
 2183 ~~master~~.--The special magistrate ~~master~~ shall conduct the
 2184 hearings and render recommended decisions with the objective of
 2185 achieving a prompt, peaceful, and just settlement of disputes
 2186 between the public employee organizations and the public
 2187 employers. The factors, among others, to be given weight by the
 2188 special magistrate ~~master~~ in arriving at a recommended decision
 2189 shall include:



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2190 (1) Comparison of the annual income of employment of the
 2191 public employees in question with the annual income of
 2192 employment maintained for the same or similar work of employees
 2193 exhibiting like or similar skills under the same or similar
 2194 working conditions in the local operating area involved.

2195 (2) Comparison of the annual income of employment of the
 2196 public employees in question with the annual income of
 2197 employment of public employees in similar public employee
 2198 governmental bodies of comparable size within the state.

2199 (3) The interest and welfare of the public.

2200 (4) Comparison of peculiarities of employment in regard to
 2201 other trades or professions, specifically with respect to:

- 2202 (a) Hazards of employment.
- 2203 (b) Physical qualifications.
- 2204 (c) Educational qualifications.
- 2205 (d) Intellectual qualifications.
- 2206 (e) Job training and skills.
- 2207 (f) Retirement plans.
- 2208 (g) Sick leave.
- 2209 (h) Job security.
- 2210 (5) Availability of funds.

2211 Section 83. Section 447.407, Florida Statutes, is amended
 2212 to read:

2213 447.407 Compensation of mediator and special magistrate
 2214 ~~master~~; expenses.--The compensation of the mediator and special
 2215 magistrate ~~master~~, and all stenographic and other expenses,
 2216 shall be borne equally by the parties.



2217 Section 84. Section 447.409, Florida Statutes, is amended
2218 to read:

2219 447.409 Records.--All records that ~~which~~ are relevant to,
2220 or have a bearing upon, any issue or issues raised by the
2221 proceedings conducted by the special magistrate ~~master~~ shall be
2222 made available to the special magistrate ~~master~~ by a request in
2223 writing to any of the parties to the impasse proceedings.
2224 Notice of such request must ~~shall~~ be furnished to all parties.
2225 Any such records that ~~which~~ are made available to the special
2226 magistrate ~~master~~ must ~~shall~~ also be made available to any other
2227 party to the impasse proceedings, upon written request.

2228 Section 85. Subsections (1), (2), (3), (4), (5), and (6)
2229 of section 475.011, Florida Statutes, are amended to read:

2230 475.011 Exemptions.--This part does not apply to:

2231 (1) Any person acting as an attorney in fact for the
2232 purpose of the execution of contracts or conveyances only; as an
2233 attorney at law within the scope of her or his duties as such;
2234 as a certified public accountant, as defined in chapter 473,
2235 within the scope of her or his duties as such; as the personal
2236 representative, receiver, trustee, or general or special
2237 magistrate ~~master~~ under, or by virtue of, an appointment by will
2238 or by order of a court of competent jurisdiction; or as trustee
2239 under a deed of trust, or under a trust agreement, the ultimate
2240 purpose and intent whereof is charitable, is philanthropic, or
2241 provides for those having a natural right to the bounty of the
2242 donor or trustor.÷

2243 (2) Any individual, corporation, partnership, trust, joint
2244 venture, or other entity which sells, exchanges, or leases its



2245 own real property; however, this exemption shall not be
 2246 available if and to the extent that an agent, employee, or
 2247 independent contractor paid a commission or other compensation
 2248 strictly on a transactional basis is employed to make sales,
 2249 exchanges, or leases to or with customers in the ordinary course
 2250 of an owner's business of selling, exchanging, or leasing real
 2251 property to the public.‡

2252 (3) Any employee of a public utility, a rural electric
 2253 cooperative, a railroad, or a state or local governmental agency
 2254 who acts within the scope of her or his employment, for which no
 2255 compensation in addition to the employee's salary is paid, to
 2256 buy, sell, appraise, exchange, rent, auction, or lease any real
 2257 property or any interest in real property for the use of her or
 2258 his employer.‡

2259 (4) Any salaried employee of an owner, or of a registered
 2260 broker for an owner, of an apartment community who works in an
 2261 onsite rental office of the apartment community in a leasing
 2262 capacity.‡

2263 (5) Any person employed for a salary as a manager of a
 2264 condominium or cooperative apartment complex as a result of any
 2265 activities or duties which the person may have in relation to
 2266 the renting of individual units within such condominium or
 2267 cooperative apartment complex if rentals arranged by the person
 2268 are for periods no greater than 1 year.‡

2269 (6) Any person, partnership, corporation, or other legal
 2270 entity which, for another and for compensation or other valuable
 2271 consideration, sells, offers to sell, advertises for sale, buys,
 2272 offers to buy, or negotiates the sale or purchase of radio,



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2273 television, or cable enterprises licensed and regulated by the
 2274 Federal Communications Commission pursuant to the Communications
 2275 Act of 1934. However, if the sale or purchase of the radio,
 2276 television, or cable enterprise involves the sale or lease of
 2277 land, buildings, fixtures, and all other improvements to the
 2278 land, a broker or salesperson licensed under this chapter shall
 2279 be retained for the portion of the transaction which includes
 2280 the land, buildings, fixtures, and all other improvements to the
 2281 land. ~~or~~

2282 Section 86. Paragraphs (d), (f), (g), (h), and (j) of
 2283 subsection (5) of section 489.127, Florida Statutes, are amended
 2284 to read:

2285 489.127 Prohibitions; penalties.--

2286 (5) Each county or municipality may, at its option,
 2287 designate one or more of its code enforcement officers, as
 2288 defined in chapter 162, to enforce, as set out in this
 2289 subsection, the provisions of subsection (1) and s. 489.132(1)
 2290 against persons who engage in activity for which a county or
 2291 municipal certificate of competency or license or state
 2292 certification or registration is required.

2293 (d) The act for which the citation is issued shall be
 2294 ceased upon receipt of the citation; and the person charged with
 2295 the violation shall elect either to correct the violation and
 2296 pay the civil penalty in the manner indicated on the citation
 2297 or, within 10 days after ~~of~~ receipt of the citation, exclusive
 2298 of weekends and legal holidays, request an administrative
 2299 hearing before the enforcement or licensing board or designated



2300 special magistrate ~~master~~ to appeal the issuance of the citation
2301 by the code enforcement officer.

2302 1. Hearings shall be held before an enforcement or
2303 licensing board or designated special magistrate ~~master~~ as
2304 established by s. 162.03(2), and such hearings shall be
2305 conducted pursuant to the requirements of ss. 162.07 and 162.08.

2306 2. Failure of a violator to appeal the decision of the
2307 code enforcement officer within the time period set forth in
2308 this paragraph shall constitute a waiver of the violator's right
2309 to an administrative hearing. A waiver of the right to an
2310 administrative hearing shall be deemed an admission of the
2311 violation, and penalties may be imposed accordingly.

2312 3. If the person issued the citation, or his or her
2313 designated representative, shows that the citation is invalid or
2314 that the violation has been corrected prior to appearing before
2315 the enforcement or licensing board or designated special
2316 magistrate ~~master~~, the enforcement or licensing board or
2317 designated special magistrate ~~master~~ may dismiss the citation
2318 unless the violation is irreparable or irreversible.

2319 4. Each day a willful, knowing violation continues shall
2320 constitute a separate offense under the provisions of this
2321 subsection.

2322 (f) If the enforcement or licensing board or designated
2323 special magistrate ~~master~~ finds that a violation exists, the
2324 enforcement or licensing board or designated special magistrate
2325 ~~master~~ may order the violator to pay a civil penalty of not less
2326 than the amount set forth on the citation but not more than
2327 \$1,000 per day for each violation. In determining the amount of



2328 the penalty, the enforcement or licensing board or designated
2329 special magistrate ~~master~~ shall consider the following factors:

2330 1. The gravity of the violation.

2331 2. Any actions taken by the violator to correct the
2332 violation.

2333 3. Any previous violations committed by the violator.

2334 (g) Upon written notification by the code enforcement
2335 officer that a violator had not contested the citation or paid
2336 the civil penalty within the timeframe allowed on the citation,
2337 or if a violation has not been corrected within the timeframe
2338 set forth on the notice of violation, the enforcement or
2339 licensing board or the designated special magistrate ~~master~~
2340 shall enter an order ordering the violator to pay the civil
2341 penalty set forth on the citation or notice of violation, and a
2342 hearing shall not be necessary for the issuance of such order.

2343 (h) A certified copy of an order imposing a civil penalty
2344 against an uncertified contractor may be recorded in the public
2345 records and thereafter shall constitute a lien against any real
2346 or personal property owned by the violator. Upon petition to the
2347 circuit court, such order may be enforced in the same manner as
2348 a court judgment by the sheriffs of this state, including a levy
2349 against personal property; however, such order shall not be
2350 deemed to be a court judgment except for enforcement purposes. A
2351 civil penalty imposed pursuant to this part shall continue to
2352 accrue until the violator comes into compliance or until
2353 judgment is rendered in a suit to foreclose on a lien filed
2354 pursuant to this subsection, whichever occurs first. After 3
2355 months following ~~from~~ the filing of any such lien which remains



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2356 unpaid, the enforcement board or licensing board or designated
 2357 special magistrate ~~master~~ may authorize the local governing
 2358 body's attorney to foreclose on the lien. No lien created
 2359 pursuant to the provisions of this part may be foreclosed on
 2360 real property which is a homestead under s. 4, Art. X of the
 2361 State Constitution.

2362 (j) An aggrieved party, including the local governing
 2363 body, may appeal a final administrative order of an enforcement
 2364 board or licensing board or designated special magistrate ~~master~~
 2365 to the circuit court. Such an appeal shall not be a hearing de
 2366 novo but shall be limited to appellate review of the record
 2367 created before the enforcement board or licensing board or
 2368 designated special magistrate ~~master~~. An appeal shall be filed
 2369 within 30 days after ~~of the~~ execution of the order to be
 2370 appealed.

2371 Section 87. Paragraphs (d), (f), (g), (h), and (j) of
 2372 subsection (4) of section 489.531, Florida Statutes, are amended
 2373 to read:

2374 489.531 Prohibitions; penalties.--

2375 (4)

2376 (d) The act for which the citation is issued shall be
 2377 ceased upon receipt of the citation; and the person charged with
 2378 the violation shall elect either to correct the violation and
 2379 pay the civil penalty in the manner indicated on the citation
 2380 or, within 10 days after ~~of~~ receipt of the citation, exclusive
 2381 of weekends and legal holidays, request an administrative
 2382 hearing before the enforcement or licensing board or designated



2383 | special magistrate ~~master~~ to appeal the issuance of the citation
2384 | by the code enforcement officer.

2385 | 1. Hearings shall be held before an enforcement or
2386 | licensing board or designated special magistrate ~~master~~ as
2387 | established by s. 162.03(2) and such hearings shall be conducted
2388 | pursuant to ss. 162.07 and 162.08.

2389 | 2. Failure of a violator to appeal the decision of the
2390 | code enforcement officer within the time period set forth in
2391 | this paragraph shall constitute a waiver of the violator's right
2392 | to an administrative hearing. A waiver of the right to
2393 | administrative hearing shall be deemed an admission of the
2394 | violation and penalties may be imposed accordingly.

2395 | 3. If the person issued the citation, or his or her
2396 | designated representative, shows that the citation is invalid or
2397 | that the violation has been corrected prior to appearing before
2398 | the enforcement or licensing board or designated special
2399 | magistrate ~~master~~, the enforcement or licensing board or
2400 | designated special magistrate ~~master~~ shall dismiss the citation
2401 | unless the violation is irreparable or irreversible.

2402 | 4. Each day a willful, knowing violation continues shall
2403 | constitute a separate offense under the provisions of this
2404 | subsection.

2405 | (f) If the enforcement or licensing board or designated
2406 | special magistrate ~~master~~ finds that a violation exists, the
2407 | enforcement or licensing board or designated special magistrate
2408 | ~~master~~ may order the violator to pay a civil penalty of not less
2409 | than the amount set forth on the citation but not more than \$500
2410 | per day for each violation. In determining the amount of the



2411 penalty, the enforcement or licensing board or designated
 2412 special magistrate ~~master~~ shall consider the following factors:

- 2413 1. The gravity of the violation.
- 2414 2. Any actions taken by the violator to correct the
- 2415 violation.
- 2416 3. Any previous violations committed by the violator.

2417 (g) Upon written notification by the code enforcement
 2418 officer that a violator had not contested the citation or paid
 2419 the civil penalty within the timeframe allowed on the citation,
 2420 or if a violation has not been corrected within the timeframe
 2421 set forth on the notice of violation, the enforcement or
 2422 licensing board or the designated special magistrate ~~master~~
 2423 shall enter an order ordering the violator to pay the civil
 2424 penalty set forth on the citation or notice of violation, and a
 2425 hearing shall not be necessary for the issuance of such order.

2426 (h) A certified copy of an order imposing a civil penalty
 2427 against an uncertified contractor may be recorded in the public
 2428 records and thereafter shall constitute a lien against any real
 2429 or personal property owned by the violator. Upon petition to the
 2430 circuit court, such order may be enforced in the same manner as
 2431 a court judgment by the sheriffs of this state, including a levy
 2432 against personal property; however, such order shall not be
 2433 deemed to be a court judgment except for enforcement purposes. A
 2434 civil penalty imposed pursuant to this part shall continue to
 2435 accrue until the violator comes into compliance or until
 2436 judgment is rendered in a suit to foreclose on a lien filed
 2437 pursuant to this section, whichever occurs first. After 3 months
 2438 following ~~from~~ the filing of any such lien which remains unpaid,



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2439 the enforcement or licensing board or designated special
 2440 magistrate ~~master~~ may authorize the local governing body's
 2441 attorney to foreclose on the lien. No lien created pursuant to
 2442 the provisions of this part may be foreclosed on real property
 2443 which is a homestead under s. 4, Art. X of the State
 2444 Constitution.

2445 (j) An aggrieved party, including the local governing
 2446 body, may appeal a final administrative order of an enforcement
 2447 or licensing board or ~~special~~ designated special magistrate
 2448 ~~master~~ to the circuit court. Such an appeal shall not be a
 2449 hearing de novo but shall be limited to appellate review of the
 2450 record created before the enforcement or licensing board or
 2451 designated special magistrate ~~master~~. An appeal shall be filed
 2452 within 30 days after ~~of~~ the execution of the order to be
 2453 appealed.

2454 Section 88. Subsection (1) of section 496.420, Florida
 2455 Statutes, is amended to read:

2456 496.420 Civil remedies and enforcement.--

2457 (1) In addition to other remedies authorized by law, the
 2458 department may bring a civil action in circuit court to enforce
 2459 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
 2460 person has violated any of these sections, a court may make any
 2461 necessary order or enter a judgment including, but not limited
 2462 to, a temporary or permanent injunction, a declaratory judgment,
 2463 the appointment of a general or special magistrate ~~master~~ or
 2464 receiver, the sequestration of assets, the reimbursement of
 2465 persons from whom contributions have been unlawfully solicited,
 2466 the distribution of contributions in accordance with the



2467 charitable or sponsor purpose expressed in the registration
 2468 statement or in accordance with the representations made to the
 2469 person solicited, the reimbursement of the department for
 2470 investigative costs, attorney's fees and costs, and any other
 2471 equitable relief the court finds appropriate. Upon a finding
 2472 that any person has violated any provision of ss. 496.401-
 2473 496.424 or s. 496.426 with actual knowledge or knowledge fairly
 2474 implied on the basis of objective circumstances, a court may
 2475 enter an order imposing a civil penalty in an amount not to
 2476 exceed \$10,000 per violation.

2477 Section 89. Subsection (3) of section 501.207, Florida
 2478 Statutes, is amended to read:

2479 501.207 Remedies of enforcing authority.--

2480 (3) Upon motion of the enforcing authority or any
 2481 interested party in any action brought under subsection (1), the
 2482 court may make appropriate orders, including, but not limited
 2483 to, appointment of a general or special magistrate ~~master~~ or
 2484 receiver or sequestration or freezing of assets, to reimburse
 2485 consumers or governmental entities found to have been damaged;
 2486 to carry out a transaction in accordance with the reasonable
 2487 expectations of consumers or governmental entities; to strike or
 2488 limit the application of clauses of contracts to avoid an
 2489 unconscionable result; to order any defendant to divest herself
 2490 or himself of any interest in any enterprise, including real
 2491 estate; to impose reasonable restrictions upon the future
 2492 activities of any defendant to impede her or him from engaging
 2493 in or establishing the same type of endeavor; to order the
 2494 dissolution or reorganization of any enterprise; or to grant



2495 | legal, equitable, or other appropriate relief. The court may
 2496 | assess the expenses of a general or special magistrate ~~master~~ or
 2497 | receiver against a person who has violated, is violating, or is
 2498 | otherwise likely to violate this part. Any injunctive order,
 2499 | whether temporary or permanent, issued by the court shall be
 2500 | effective throughout the state unless otherwise provided in the
 2501 | order.

2502 | Section 90. Section 501.618, Florida Statutes, is amended
 2503 | to read:

2504 | 501.618 General civil remedies.--The department may bring:

2505 | (1) An action to obtain a declaratory judgment that an act
 2506 | or practice violates the provisions of this part.

2507 | (2) An action to enjoin a person who has violated, is
 2508 | violating, or is otherwise likely to violate the provisions of
 2509 | this part.

2510 | (3) An action on behalf of one or more purchasers for the
 2511 | actual damages caused by an act or practice performed in
 2512 | violation of the provisions of this part. Such an action may
 2513 | include, but is not limited to, an action to recover against a
 2514 | bond, letter of credit, or certificate of deposit as otherwise
 2515 | provided in this part.

2516 |
 2517 | Upon motion of the enforcing authority in any action brought
 2518 | under this section, the court may make appropriate orders,
 2519 | including appointment of a general or special magistrate ~~master~~
 2520 | or receiver or sequestration of assets, to reimburse consumers
 2521 | found to have been damaged, to carry out a consumer transaction
 2522 | in accordance with the consumer's reasonable expectations, or to



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2523 grant other appropriate relief. The court may assess the
 2524 expenses of a general or special magistrate ~~master~~ or receiver
 2525 against a commercial telephone seller. Any injunctive order,
 2526 whether temporary or permanent, issued by the court shall be
 2527 effective throughout the state unless otherwise provided in the
 2528 order.

2529 Section 91. Subsection (6) of section 559.936, Florida
 2530 Statutes, is amended to read:

2531 559.936 Civil penalties; remedies.--

2532 (6) Upon motion of the department in any action brought
 2533 under this part, the court may make appropriate orders,
 2534 including appointment of a general or special magistrate ~~master~~
 2535 or receiver or sequestration of assets, to reimburse consumers
 2536 found to have been damaged, to carry out a consumer transaction
 2537 in accordance with the consumer's reasonable expectations, or to
 2538 grant other appropriate relief.

2539 Section 92. Subsection (1) of section 582.23, Florida
 2540 Statutes, is amended to read:

2541 582.23 Performance of work under the regulations by the
 2542 supervisors.--

2543 (1) The supervisors may go upon any lands within the
 2544 district to determine whether land use regulations adopted are
 2545 being observed. Where the supervisors of any district shall find
 2546 that any of the provisions of land use regulations adopted are
 2547 not being observed on particular lands, and that such
 2548 nonobservance tends to increase erosion on such lands and is
 2549 interfering with the prevention or control of erosion on other
 2550 lands within the district, the supervisors may present to the



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2551 circuit court for the county or counties within which the lands
2552 of the defendant may lie, a petition, duly verified, setting
2553 forth the adoption of the land use regulations, the failure of
2554 the defendant landowner or occupier to observe such regulations,
2555 and to perform particular work, operations, or avoidances as
2556 required thereby, and that such nonobservance tends to increase
2557 erosion on such lands and is interfering with the prevention or
2558 control of erosion on other lands within the district, and
2559 praying the court to require the defendant to perform the work,
2560 operations, or avoidances within a reasonable time and to order
2561 that if the defendant shall fail so to perform the supervisors
2562 may go on the land, perform the work or other operations or
2563 otherwise bring the condition of such lands into conformity with
2564 the requirements of such regulations, and recover the costs and
2565 expenses thereof, with interest, from the owner of such land.
2566 Upon the presentation of such petition the court shall cause
2567 process to be issued against the defendant, and shall hear the
2568 case. If it shall appear to the court that testimony is
2569 necessary for the proper disposition of the matter, it may take
2570 evidence or appoint a special magistrate ~~master~~ to take such
2571 evidence as it may direct and report the same to the court
2572 within her or his findings of fact and conclusions of law, which
2573 shall constitute a part of the proceedings upon which the
2574 determination of the court shall be made.

2575 Section 93. Subsection (2) of section 631.182, Florida
2576 Statutes, is amended to read:

2577 631.182 Receiver claims report and claimants objections
2578 procedure.--



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2579 (2) At the hearing, any interested person is entitled to
 2580 appear. The hearing shall not be de novo but shall be limited to
 2581 the record as described in s. 631.181(2). The court shall enter
 2582 an order allowing, allowing in part, or disallowing the claim.
 2583 Any such order is deemed to be an appealable order. In the
 2584 interests of judicial economy, the court may appoint a special
 2585 magistrate ~~master~~ to resolve objections or to perform any
 2586 particular service required by the court. This subsection shall
 2587 apply to receivership proceedings commencing prior to, or
 2588 subsequent to, July 1, 1997.

2589 Section 94. Subsections (3) and (4) of section 631.331,
 2590 Florida Statutes, are amended to read:

2591 631.331 Assessment prima facie correct; notice; payment;
 2592 proceeding to collect.--

2593 (3) If any such member or subscriber fails to pay the
 2594 assessment within the period specified in the notice, which
 2595 period shall not be less than 20 days after mailing, the
 2596 department may obtain an order in the delinquency proceeding
 2597 requiring the member or subscriber to show cause at a time and
 2598 place fixed by the court why judgment should not be entered
 2599 against such member or subscriber for the amount of the
 2600 assessment, together with all costs. ~~and~~ A copy of the order
 2601 and a copy of the petition therefor shall be served upon the
 2602 member or subscriber within the time and in the manner
 2603 designated in the order.

2604 (4) If the subscriber or member after due service of a
 2605 copy of the order and petition referred to in subsection (3) is
 2606 made upon her or him:



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2607 (a) Fails to appear at the time and place specified in the
 2608 order, judgment shall be entered against her or him as prayed
 2609 for in the petition; or

2610 (b) Appears in the manner and form required by law in
 2611 response to the order, the court shall hear and determine the
 2612 matter and enter a judgment in accordance with its decision. In
 2613 the interests of judicial economy, the court may appoint a
 2614 special magistrate ~~master~~ to resolve objections or to perform
 2615 any particular service required by the court. This paragraph
 2616 shall apply to receivership proceedings commencing prior to, or
 2617 subsequent to, July 1, 1997.

2618 Section 95. Subsection (2) of section 633.052, Florida
 2619 Statutes, is amended to read:

2620 633.052 Ordinances relating to firesafety; definitions;
 2621 penalties.--

2622 (2) A county or municipality that ~~which~~ has created a code
 2623 enforcement board or special magistrate ~~master~~ system pursuant
 2624 to chapter 162 may enforce firesafety code violations as
 2625 provided in chapter 162. The governing body of a county or
 2626 municipality which has not created a code enforcement board or
 2627 special magistrate ~~master~~ system for firesafety under chapter
 2628 162 is authorized to enact ordinances relating to firesafety
 2629 codes, which ordinances shall provide:

2630 (a) That a violation of such an ordinance is a civil
 2631 infraction.

2632 (b) A maximum civil penalty not to exceed \$500.



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2633 (c) A civil penalty of less than the maximum civil penalty
2634 if the person who has committed the civil infraction does not
2635 contest the citation.

2636 (d) For the issuance of a citation by an officer who has
2637 probable cause to believe that a person has committed a
2638 violation of an ordinance relating to firesafety.

2639 (e) For the contesting of a citation in the county court.

2640 (f) Such procedures and provisions necessary to implement
2641 any ordinances enacted under the authority of this section.

2642 Section 96. Subsection (2) of section 744.369, Florida
2643 Statutes, is amended to read:

2644 744.369 Judicial review of guardianship reports.--

2645 (2) The court may appoint general or special magistrates
2646 ~~masters~~ to assist the court in its review function. The court
2647 may require the general or special magistrate ~~master~~ to conduct
2648 random field audits.

2649 Section 97. Subsection (11) of section 760.11, Florida
2650 Statutes, is amended to read:

2651 760.11 Administrative and civil remedies; construction.--

2652 (11) If a complaint is within the jurisdiction of the
2653 commission, the commission shall simultaneously with its other
2654 statutory obligations attempt to eliminate or correct the
2655 alleged discrimination by informal methods of conference,
2656 conciliation, and persuasion. Nothing said or done in the course
2657 of such informal endeavors may be made public or used as
2658 evidence in a subsequent civil proceeding, trial, or hearing.
2659 The commission may initiate dispute resolution procedures,
2660 including voluntary arbitration, by special magistrates ~~masters~~



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2661 or mediators. The commission may adopt rules as to the
 2662 qualifications of persons who may serve as special magistrates
 2663 ~~masters~~ and mediators.

2664 Section 98. Subsection (1) of section 837.011, Florida
 2665 Statutes, is amended to read:

2666 837.011 Definitions.--In this chapter, unless a different
 2667 meaning plainly is required:

2668 (1) "Official proceeding" means a proceeding heard, or
 2669 which may be or is required to be heard, before any legislative,
 2670 judicial, administrative, or other governmental agency or
 2671 official authorized to take evidence under oath, including any
 2672 referee, general or special magistrate ~~master in chancery~~,
 2673 administrative law judge, hearing officer, hearing examiner,
 2674 commissioner, notary, or other person taking testimony or a
 2675 deposition in connection with any such proceeding.

2676 Section 99. Subsection (4) of section 838.014, Florida
 2677 Statutes, is amended to read:

2678 838.014 Definitions.--For the purposes of this chapter,
 2679 unless a different meaning plainly is required:

2680 (4) "Public servant" means any public officer, agent, or
 2681 employee of government, whether elected or appointed, including,
 2682 but not limited to, any executive, legislative, or judicial
 2683 officer; any person who holds an office or position in a
 2684 political party or political party committee, whether elected or
 2685 appointed; and any person participating as a general or special
 2686 magistrate ~~master~~, receiver, auditor, juror, arbitrator, umpire,
 2687 referee, consultant, administrative law judge, hearing officer,
 2688 or hearing examiner, or person acting on behalf of any of these,



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2689 | in performing a governmental function; but the term does not
 2690 | include witnesses. Such term shall include a candidate for
 2691 | election or appointment to any such office, including any
 2692 | individual who seeks or intends to occupy any such office. It
 2693 | shall include any person appointed to any of the foregoing
 2694 | offices or employments before and after he or she qualifies.

2695 | Section 100. Section 839.17, Florida Statutes, is amended
 2696 | to read:

2697 | 839.17 Misappropriation of moneys by commissioners to make
 2698 | sales.--Any commissioner or general or special magistrate ~~master~~
 2699 | ~~in chancery~~, having received the purchase money or the
 2700 | securities resulting from any of the sales authorized by law,
 2701 | who shall fail to deliver such moneys and securities, or either
 2702 | of them, to the executor or administrator, or the person
 2703 | entitled to receive the same, upon the order of the court,
 2704 | unless she or he is rendered unable to do so by some cause not
 2705 | attributable to her or his own default or neglect, shall be
 2706 | fined in a sum equal to the amount received from the purchaser,
 2707 | and commits ~~shall be guilty of~~ a felony of the second degree,
 2708 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2709 | Section 101. Paragraph (a) of subsection (3) of section
 2710 | 916.107, Florida Statutes, is amended to read:

2711 | 916.107 Rights of forensic clients.--

2712 | (3) RIGHT TO EXPRESS AND INFORMED CONSENT.--

2713 | (a) A client committed to the department pursuant to this
 2714 | act shall be asked to give express and informed written consent
 2715 | for treatment. If a client in a forensic facility refuses such
 2716 | treatment as is deemed necessary by the client's



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2717 multidisciplinary treatment team at the forensic facility for
 2718 the appropriate care of the client and the safety of the client
 2719 or others, such treatment may be provided under the following
 2720 circumstances:

2721 1. In an emergency situation in which there is immediate
 2722 danger to the safety of the client or others, such treatment may
 2723 be provided upon the written order of a physician for a period
 2724 not to exceed 48 hours, excluding weekends and legal holidays.
 2725 If, after the 48-hour period, the client has not given express
 2726 and informed consent to the treatment initially refused, the
 2727 administrator or designee of the forensic facility shall, within
 2728 48 hours, excluding weekends and legal holidays, petition the
 2729 committing court or the circuit court serving the county in
 2730 which the facility is located, at the option of the facility
 2731 administrator or designee, for an order authorizing the
 2732 continued treatment of the client. In the interim, treatment may
 2733 be continued without the consent of the client upon the
 2734 continued written order of a physician who has determined that
 2735 the emergency situation continues to present a danger to the
 2736 safety of the client or others.

2737 2. In a situation other than an emergency situation, the
 2738 administrator or designee of the forensic facility shall
 2739 petition the court for an order authorizing the treatment to the
 2740 client. The order shall allow such treatment for a period not
 2741 to exceed 90 days after ~~from~~ the date of the entry of the order.
 2742 Unless the court is notified in writing that the client has
 2743 provided express and informed consent in writing or that the
 2744 client has been discharged by the committing court, the



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2745 administrator or designee shall, prior to the expiration of the
2746 initial 90-day order, petition the court for an order
2747 authorizing the continuation of treatment for another 90-day
2748 period. This procedure shall be repeated until the client
2749 provides consent or is discharged by the committing court.

2750 3. At the hearing on the issue of whether the court should
2751 enter an order authorizing treatment for which a client has
2752 refused to give express and informed consent, the court shall
2753 determine by clear and convincing evidence that the client is
2754 mentally ill, retarded, or autistic as defined in this chapter,
2755 that the treatment not consented to is essential to the care of
2756 the client, and that the treatment not consented to is not
2757 experimental and does not present an unreasonable risk of
2758 serious, hazardous, or irreversible side effects. In arriving at
2759 the substitute judgment decision, the court must consider at
2760 least the following factors:

- 2761 a. The client's expressed preference regarding treatment;
2762 b. The probability of adverse side effects;
2763 c. The prognosis without treatment; and
2764 d. The prognosis with treatment.

2765
2766 The hearing shall be as convenient to the client as may be
2767 consistent with orderly procedure and shall be conducted in
2768 physical settings not likely to be injurious to the client's
2769 condition. The court may appoint a general or special magistrate
2770 ~~master~~ to preside at the hearing. The client or the client's
2771 guardian, and the representative, shall be provided with a copy
2772 of the petition and the date, time, and location of the hearing.



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2773 The client has the right to have an attorney represent him or
 2774 her at the hearing, and, if the client is indigent, the court
 2775 shall appoint the office of the public defender to represent the
 2776 client at the hearing. The client may testify or not, as he or
 2777 she chooses, and has the right to cross-examine witnesses and
 2778 may present his or her own witnesses.

2779 Section 102. Subsection (11) of section 938.30, Florida
 2780 Statutes, is amended to read:

2781 938.30 Court-imposed financial obligations in criminal
 2782 cases; supplementary proceedings.--

2783 (11) The court may refer any proceeding under this section
 2784 to a special magistrate ~~master~~ who shall report findings and
 2785 make recommendations to the court. The court shall act on such
 2786 recommendations within a reasonable amount of time.

2787 Section 103. Subsection (3) of section 945.43, Florida
 2788 Statutes, is amended to read:

2789 945.43 Admission of inmate to mental health treatment
 2790 facility.--

2791 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR
 2792 MENTAL HEALTH TREATMENT.--If the inmate does not waive a hearing
 2793 or if the inmate or the inmate's representative files a petition
 2794 for a hearing after having waived it, the court shall serve
 2795 notice on the warden of the facility where the inmate is
 2796 confined, the director, and the allegedly mentally ill inmate.
 2797 The notice shall specify the date, time, and place of the
 2798 hearing; the basis for the allegation of mental illness; and the
 2799 names of the examining experts. The hearing shall be held within
 2800 5 days, and the court may appoint a general or special



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2801 magistrate ~~master~~ to preside. The hearing may be as informal as
2802 is consistent with orderly procedure. One of the experts whose
2803 opinion supported the recommendation shall be present at the
2804 hearing for information purposes. If, at the hearing, the court
2805 finds that the inmate is mentally ill and in need of care and
2806 treatment, it shall order that he or she be transferred to a
2807 mental health treatment facility and provided appropriate
2808 treatment. The court shall provide a copy of its order
2809 authorizing transfer and all supporting documentation relating
2810 to the inmate's condition to the warden of the treatment
2811 facility. If the court finds that the inmate is not mentally
2812 ill, it shall dismiss the petition for transfer.

2813 Section 104. Subsection (4) is added to section 903.02,
2814 Florida Statutes, to read:

2815 903.02 Actions with respect to denial or conditions of
2816 bail or amount of bond prohibited; "court" defined.--

2817 (4) Any judge setting or granting monetary bail shall set
2818 a separate and specific bail amount for each charge or offense.
2819 When bail is posted, each charge or offense requires a separate
2820 bond.

2821 Section 105. Subsection (3) is added to section 903.046,
2822 Florida Statutes, to read:

2823 903.046 Purpose of and criteria for bail determination.--

2824 (3) If a defendant is charged with a second or subsequent
2825 felony for a dangerous crime as defined in s. 907.041(4) within
2826 3 years after the date of a prior felony conviction, regardless
2827 of whether adjudication was withheld, the defendant forfeits the



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2828 right to a presumption in favor of release on nonmonetary
 2829 conditions as provided in s. 907.041.

2830 Section 106. Subsection (1) of section 903.047, Florida
 2831 Statutes, is amended to read:

2832 903.047 Conditions of pretrial release.--

2833 (1) As a condition of pretrial release, whether such
 2834 release is by surety bail bond or recognizance bond or in some
 2835 other form, ~~the court shall require that:~~

2836 (a) The defendant shall refrain from criminal activity of
 2837 any kind. ~~;~~ ~~and~~

2838 (b) The defendant shall refrain from any contact of any
 2839 type with the victim, except through pretrial discovery pursuant
 2840 to the Florida Rules of Criminal Procedure.

2841 (c) The defendant shall comply with all conditions of
 2842 pretrial release.

2843 Section 107. Paragraph (d) is added to subsection (5) of
 2844 section 903.26, Florida Statutes, to read:

2845 903.26 Forfeiture of the bond; when and how directed;
 2846 discharge; how and when made; effect of payment.--

2847 (5) The court shall discharge a forfeiture within 60 days
 2848 upon:

2849 (d) Refusal of the state attorney to institute extradition
 2850 proceedings or extradite the principal on a bail bond, after the
 2851 surety has agreed in writing to pay actual transportation costs,
 2852 exonerates the surety, and any forfeiture or judgment is set
 2853 aside or vacated and any payment by the surety of a forfeiture
 2854 or judgment is remitted as required under s. 903.28.



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2855 Section 108. Subsection (1) of section 903.27, Florida
2856 Statutes, is amended to read:
2857 903.27 Forfeiture to judgment.--
2858 (1) If the forfeiture is not paid or discharged by order
2859 of a court of competent jurisdiction within 60 days and the bond
2860 is secured other than by money and bonds authorized in s.
2861 903.16, the clerk of the circuit court for the county where the
2862 order was made shall enter a judgment against the surety for the
2863 amount of the penalty and issue execution. However, in any case
2864 in which the bond forfeiture has been discharged by the court of
2865 competent jurisdiction conditioned upon the payment by the
2866 surety of certain costs or fees as allowed by statute, the
2867 amount for which judgment may be entered may not exceed the
2868 amount of the unpaid fees or costs upon which the discharge had
2869 been conditioned. Judgment for the full amount of the forfeiture
2870 shall not be entered if payment of a lesser amount will satisfy
2871 the conditions to discharge the forfeiture. Within 10 days, the
2872 clerk shall furnish the Department of Insurance with a certified
2873 copy of the judgment docket and shall furnish the surety company
2874 at its home office a copy of the judgment, which shall include
2875 the power of attorney number of the bond and the name of the
2876 executing agent. If the judgment is not paid within 35 days, the
2877 clerk shall furnish the Department of Insurance and the sheriff
2878 of the county in which the bond was executed, or the official
2879 responsible for operation of the county jail, if other than the
2880 sheriff, two copies of the judgment and a certificate stating
2881 that the judgment remains unsatisfied. When and if the judgment
2882 is properly paid or an order to vacate the judgment has been



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2883 entered by a court of competent jurisdiction, the clerk shall
2884 immediately notify the sheriff, or the official responsible for
2885 the operation of the county jail, if other than the sheriff, and
2886 the Department of Insurance, if the department had been
2887 previously notified of nonpayment, of such payment or order to
2888 vacate the judgment. The clerk shall also immediately prepare
2889 and record in the public records a satisfaction of the judgment
2890 or record the order to vacate judgment. If the defendant is
2891 returned to the county of jurisdiction of the court, whenever a
2892 motion to set aside the judgment is filed, the operation of this
2893 section is tolled until the court makes a disposition of the
2894 motion.

2895 Section 109. Section 903.31, Florida Statutes, is amended
2896 to read:

2897 903.31 Canceling the bond.--

2898 (1) Within 10 business days after the conditions of a bond
2899 have been satisfied or the forfeiture discharged or remitted,
2900 ~~the court shall order~~ the bond shall be canceled and, if the
2901 surety has attached a certificate of cancellation to the
2902 original bond, the clerk of the court shall furnish an executed
2903 certificate of cancellation to the surety without cost. An
2904 adjudication of guilt or innocence of the defendant shall
2905 satisfy the conditions of the bond. The original appearance bond
2906 shall expire 36 months after such bond has been posted for the
2907 release of the defendant from custody. This subsection does not
2908 apply to cases in which a bond has been declared forfeited.

2909 (2) The original appearance bond does ~~shall~~ not be
2910 ~~construed to~~ guarantee deferred sentences, appearance during or



2911 after a presentence investigation, appearance during or after
 2912 appeals, ~~conduct during or appearance after admission to a~~
 2913 ~~pretrial intervention program,~~ payment of fines, or attendance
 2914 at educational or rehabilitation facilities the court otherwise
 2915 provides in the judgment. If the original appearance bond has
 2916 been forfeited or revoked, the bond shall not be reinstated
 2917 without approval from the surety on the original bond.

2918 (3) The original appearance bond does not guarantee the
 2919 defendant's conduct or appearance in court at any time after:

2920 (a) The defendant enters a plea of guilty or nolo
 2921 contendere;

2922 (b) The defendant enters into an agreement for deferred
 2923 prosecution or agrees to enter a pretrial intervention program;

2924 (c) The defendant is acquitted;

2925 (d) The defendant is adjudicated guilty;

2926 (e) Adjudication of guilt of the defendant is withheld; or

2927 (f) The defendant is found guilty by a judge or jury.

2928 ~~(4)(3)~~ In any case where no formal charges have been
 2929 brought against the defendant within 365 days after arrest, the
 2930 court shall order the bond canceled unless good cause is shown
 2931 by the state.

2932 Section 110. Subsection (3) and paragraphs (a) and (b) of
 2933 subsection (4) of section 907.041, Florida Statutes, are amended
 2934 to read:

2935 907.041 Pretrial detention and release.--

2936 (3) RELEASE ON NONMONETARY CONDITIONS.--

2937 (a) It is the intent of the Legislature to create a
 2938 presumption in favor of release on nonmonetary conditions for



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2939 any person who is granted pretrial release unless such person is
 2940 charged with a dangerous crime as defined in subsection (4).
 2941 Such person shall be released on monetary conditions if it is
 2942 determined that such monetary conditions are necessary to assure
 2943 the presence of the person at trial or at other proceedings, to
 2944 protect the community from risk of physical harm to persons, to
 2945 assure the presence of the accused at trial, or to assure the
 2946 integrity of the judicial process.

2947 (b) A ~~No~~ person may not be accepted for release ~~shall be~~
 2948 ~~released~~ on nonmonetary conditions under the supervision of a
 2949 pretrial release service, ~~unless the service certifies in~~
 2950 writing, and has provided a report to the court for review, that
 2951 it has investigated or otherwise verified:

2952 1. The circumstances of the accused's family, employment,
 2953 financial resources, character, mental condition, and length of
 2954 residence in the community. ~~;~~

2955 2. The accused's record of convictions, of appearances at
 2956 court proceedings, of flight to avoid prosecution, or of failure
 2957 to appear at court proceedings. ~~;~~ ~~and~~

2958 3. Other facts necessary to assist the court in its
 2959 determination of the indigency of the accused and whether she or
 2960 he should be released under the supervision of the service.

2961 (4) PRETRIAL DETENTION.--

2962 (a) As used in this subsection, the term "dangerous crime"
 2963 means any of the following:

- 2964 1. Arson;
- 2965 2. Aggravated assault;
- 2966 3. Aggravated battery;



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- 2967 4. Illegal use of explosives;
- 2968 5. Child abuse or aggravated child abuse;
- 2969 6. Abuse of an elderly person or disabled adult, or
- 2970 aggravated abuse of an elderly person or disabled adult;
- 2971 7. Aircraft piracy;
- 2972 8. Kidnapping;
- 2973 9. Homicide;
- 2974 10. Manslaughter;
- 2975 11. Sexual battery;
- 2976 12. Robbery;
- 2977 13. Carjacking;
- 2978 14. Lewd, lascivious, or indecent assault or act upon or
- 2979 in presence of a child under the age of 16 years;
- 2980 15. Sexual activity with a child, who is 12 years of age
- 2981 or older but less than 18 years of age, by or at solicitation of
- 2982 person in familial or custodial authority;
- 2983 16. Burglary of a dwelling;
- 2984 17. Stalking and aggravated stalking;
- 2985 18. Act of domestic violence as defined in s. 741.28;
- 2986 19. Home invasion robbery;
- 2987 20. Act of terrorism as defined in s. 775.30; and
- 2988 21. Attempting or conspiring to commit any such crime.
- 2989 (b) Pursuant to the provisions of paragraph (3)(b) ~~No~~
- 2990 ~~person charged with a dangerous crime shall be granted~~
- 2991 ~~nonmonetary pretrial release at a first appearance hearing;~~
- 2992 ~~however,~~ the court shall retain the discretion to release a
- 2993 person ~~an~~ accused of a dangerous crime on electronic monitoring



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2994 or on recognizance bond if the findings on the record of facts
2995 and circumstances warrant such a release.

2996 Section 111. Section 903.0465, Florida Statutes, is
2997 created to read:

2998 903.0465 Determination of bail at first appearance.--In
2999 any case in which a defendant is before the court at a first
3000 appearance hearing based on the execution of an arrest warrant,
3001 the judge at the first appearance hearing may not reduce the
3002 amount of bail indicated on the warrant, unless the judge
3003 issuing the warrant indicates that the matter of bail may be
3004 reconsidered at the first appearance hearing. This section does
3005 not apply when the judge at the first appearance hearing is also
3006 the judge who issued the warrant or when the judge at the first
3007 appearance hearing is the judge to whom the case has been
3008 assigned.

3009 Section 112. Section 903.0471, Florida Statutes, is
3010 amended to read:

3011 903.0471 Violation of condition of pretrial
3012 release.--Notwithstanding s. 907.041, a court may, on its own
3013 motion, revoke pretrial release and order pretrial detention if
3014 the court finds probable cause to believe that the defendant
3015 committed a new crime while on pretrial release. A finding of
3016 probable cause under this section may, in the court's
3017 discretion, be determined based upon the affidavit of a law
3018 enforcement officer without an evidentiary hearing.

3019 Section 113. This act shall take effect July 1, 2003.