



1 A bill to be entitled

2 An act relating to courts; amending ss. 26.012, 27.06,
3 34.01, 48.20, 142.09, 316.635, 373.603, 381.0012, 450.121,
4 560.306, 633.14, 648.44, 817.482, 828.122, 832.05, 876.42,
5 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11,
6 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03,
7 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07,
8 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13,
9 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, 985.05,
10 F.S., relating to various court procedures; redesignating
11 "magistrates" as "trial court judges"; amending ss.
12 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51,
13 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09,
14 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035,
15 206.16, 207.016, 320.411, 393.11, 394.467, 397.311,
16 397.681, 447.207, 447.403, 447.405, 447.407, 447.409,
17 475.011, 489.127, 489.531, 496.420, 501.207, 501.618,
18 559.936, 582.23, 631.182, 631.331, 633.052, 744.369,
19 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, 945.43,
20 F.S., relating to various administrative and judicial
21 proceedings; redesignating "masters" and "general or
22 special masters" as "general or special magistrates";
23 amending s. 903.02, F.S.; providing that any judge setting
24 or granting bail shall set a separate bail amount for each
25 charge or offense; amending s. 903.046, F.S.; providing
26 that a defendant forfeits the right to a presumption in
27 favor of release on nonmonetary conditions if charged with
28 a second or subsequent felony within a certain time



29 | period; amending s. 903.047, F.S.; providing for standard
30 | conditions of pretrial release without the trial judge
31 | stating such conditions on the record; requiring a
32 | defendant to comply with all conditions of a pretrial
33 | release program; amending s. 903.26, F.S.; providing that
34 | failure of the state attorney to institute extradition
35 | proceedings or extradite the principal on a bail bond,
36 | after the surety's written agreement to pay actual
37 | transportation costs, exonerates the surety; amending s.
38 | 903.27, F.S.; providing that in cases in which the bond
39 | forfeiture has been discharged by the court, the amount of
40 | the judgment may not exceed the amount of the unpaid fees
41 | or costs upon which the discharge had been conditioned;
42 | amending s. 903.31, F.S.; providing that the clerk of
43 | court shall furnish an executed certificate of
44 | cancellation to the surety; providing that the original
45 | appearance bond does not guarantee the defendant's conduct
46 | or appearance in court at any time under certain
47 | circumstances; amending s. 907.041, F.S.; requiring a
48 | pretrial release service to certify to the court in
49 | writing that it has conducted certain investigations and
50 | verified specified conditions before an accused is
51 | released on nonmonetary conditions; revising requirements
52 | for the pretrial release of a person charged with a
53 | dangerous crime; creating s. 903.0465, F.S.; providing
54 | that a judge at a first appearance may not reduce bail set
55 | by another judge issuing an arrest warrant; amending s.
56 | 903.0471, F.S.; authorizing a court to make a finding of



57 | probable cause on the basis of an affidavit of a law
 58 | enforcement officer when a person on pretrial release is
 59 | arrested for a new law violation; providing an effective
 60 | date.

61 |

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

63 |

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

66 | 26.012 Jurisdiction of circuit court.--

67 | (5) A circuit court is a trial court.

68 | Section 2. Section 27.06, Florida Statutes, is amended to
 69 | read:

70 | 27.06 Habeas corpus and preliminary trials.--The several
 71 | state attorneys of this state shall represent the state in all
 72 | cases of habeas corpus arising in their respective circuits, and
 73 | shall also represent the state, either in person or by
 74 | assistant, in cases of preliminary trials of persons charged
 75 | with capital offenses in all cases where the committing trial
 76 | court judge ~~magistrate~~ shall have given due and timely notice of
 77 | the time and place of such trial. Notice of the application for
 78 | the writ of habeas corpus shall be given to the prosecuting
 79 | officer of the court wherein the statute under attack is being
 80 | applied, the criminal law proceeding is being maintained, or the
 81 | conviction has occurred.

82 | Section 3. Subsections (2) and (3) of section 34.01,
 83 | Florida Statutes, are amended, and subsection (5) is added to
 84 | said section, to read:



85 | 34.01 Jurisdiction of county court.--

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

99 | (3) Judges of county courts shall also be committing trial
 100 | court judges ~~magistrates~~. Judges of county courts shall be
 101 | coroners unless otherwise provided by law or by rule of the
 102 | Supreme Court.

103 | (5) A county court is a trial court.

104 | Section 4. Section 48.20, Florida Statutes, is amended to
 105 | read:

106 | 48.20 Service of process on Sunday.--Service or execution
 107 | on Sunday of any writ, process, warrant, order, or judgment is
 108 | void and the person serving or executing, or causing it to be
 109 | served or executed, is liable to the party aggrieved for damages
 110 | for so doing as if he or she had done it without any process,
 111 | writ, warrant, order, or judgment. If affidavit is made by the
 112 | person requesting service or execution that he or she has good



113 | reason to believe that any person liable to have any such writ,
114 | process, warrant, order, or judgment served on him or her
115 | intends to escape from this state under protection of Sunday,
116 | any officer furnished with an order authorizing service or
117 | execution by the trial court judge ~~or magistrate of any~~
118 | ~~incorporated town~~ may serve or execute such writ, process,
119 | warrant, order, or judgment on Sunday, and it is as valid as if
120 | it had been done on any other day.

121 | Section 5. Section 142.09, Florida Statutes, is amended to
122 | read:

123 | 142.09 If defendant is not convicted or dies.--If the
124 | defendant is not convicted, or the prosecution is abated by the
125 | death of the defendant, or if the costs are imposed on the
126 | defendant and execution against him or her is returned no
127 | property found, or if a nolle prosequere be entered, in each of
128 | these cases the fees of witnesses and officers arising from
129 | criminal causes shall be paid by the county in the manner
130 | specified in ss. 142.10-142.12; provided, that when a committing
131 | trial court judge ~~magistrate~~ holds to bail or commits a person
132 | to answer to a criminal charge and an information is not filed
133 | or an indictment found against such person, the costs and fees
134 | of such committing trial shall not be paid by the county, except
135 | the costs of executing the warrants.

136 | Section 6. Subsection (3) of section 316.635, Florida
137 | Statutes, is amended to read:

138 | 316.635 Courts having jurisdiction over traffic
139 | violations; powers relating to custody and detention of
140 | minors.--



141 (3) If a minor is taken into custody for a criminal
 142 traffic offense or a violation of chapter 322 and the minor does
 143 not demand to be taken before a trial court judge, or a civil
 144 traffic infraction hearing officer, who has jurisdiction over
 145 the offense or violation ~~magistrate~~, the arresting officer or
 146 booking officer shall immediately notify, or cause to be
 147 notified, the minor's parents, guardian, or responsible adult
 148 relative of the action taken. After making every reasonable
 149 effort to give notice, the arresting officer or booking officer
 150 may:

151 (a) Issue a notice to appear pursuant to chapter 901 and
 152 release the minor to a parent, guardian, responsible adult
 153 relative, or other responsible adult;

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

156 (c) Issue a notice to appear pursuant to chapter 901 and
 157 deliver the minor to an appropriate substance abuse treatment or
 158 rehabilitation facility or refer the minor to an appropriate
 159 medical facility as provided in s. 901.29. If the minor cannot
 160 be delivered to an appropriate substance abuse treatment or
 161 rehabilitation facility or medical facility, the arresting
 162 officer may deliver the minor to an appropriate intake office of
 163 the Department of Juvenile Justice, which shall take custody of
 164 the minor and make any appropriate referrals; or

165 (d) If the violation constitutes a felony and the minor
 166 cannot be released pursuant to s. 903.03, transport and deliver
 167 the minor to an appropriate Department of Juvenile Justice
 168 intake office. Upon delivery of the minor to the intake office,



169 the department shall assume custody and proceed pursuant to
 170 chapter 984 or chapter 985.

171
 172 If action is not taken pursuant to paragraphs (a)-(d), the minor
 173 shall be delivered to the Department of Juvenile Justice, and
 174 the department shall make every reasonable effort to contact the
 175 parents, guardian, or responsible adult relative to take custody
 176 of the minor. If there is no parent, guardian, or responsible
 177 adult relative available, the department may retain custody of
 178 the minor for up to 24 hours.

179 Section 7. Section 373.603, Florida Statutes, is amended
 180 to read:

181 373.603 Power to enforce.--The Department of Environmental
 182 Protection or the governing board of any water management
 183 district and any officer or agent thereof may enforce any
 184 provision of this law or any rule or regulation adopted and
 185 promulgated or order issued thereunder to the same extent as any
 186 peace officer is authorized to enforce the law. Any officer or
 187 agent of any such board may appear before any trial court judge
 188 ~~magistrate~~ empowered to issue warrants in criminal cases and
 189 make an affidavit and apply for the issuance of a warrant in the
 190 manner provided by law. ~~and said magistrate,~~ If such affidavit
 191 alleges ~~shall allege~~ the commission of an offense, the trial
 192 court judge shall issue a warrant directed to any sheriff or
 193 deputy for the arrest of any offender. The provisions of this
 194 section shall apply to the Florida Water Resources Act of 1972
 195 in its entirety.



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

198 381.0012 Enforcement authority.--

199 (4) The department may appear before any trial court judge
 200 ~~magistrate~~ empowered to issue warrants in criminal cases and
 201 request the issuance of a warrant. The trial court judge
 202 ~~magistrate~~ shall issue a warrant directed to any sheriff,
 203 deputy, or police officer to assist in any way to carry out the
 204 purpose and intent of this chapter.

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

207 450.121 Enforcement of Child Labor Law.--

208 (3) It is the duty of any trial court judge ~~magistrate~~ of
 209 any court in the state to issue warrants and try cases made
 210 within the limit of any municipality ~~city~~ over which such trial
 211 court judge ~~magistrate~~ has jurisdiction in connection with the
 212 violation of this law.

213 (4) Grand juries shall have inquisitorial powers to
 214 investigate violations of this chapter; also, trial ~~county~~ court
 215 judges ~~and judges of the circuit courts~~ shall specially charge
 216 the grand jury, at the beginning of each term of the court, to
 217 investigate violations of this chapter.

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

220 560.306 Standards.--

221 (2) The department may deny registration if it finds that
 222 the applicant, or any money transmitter-affiliated party of the
 223 applicant, has been convicted of a crime involving moral



224 turpitude in any jurisdiction or of a crime which, if committed
225 in this state, would constitute a crime involving moral
226 turpitude under the laws of this state. For the purposes of this
227 part, a person shall be deemed to have been convicted of a crime
228 if such person has either pleaded guilty to or been found guilty
229 of a charge before a court or a federal magistrate, or by the
230 verdict of a jury, irrespective of the pronouncement of sentence
231 or the suspension thereof. The department may take into
232 consideration the fact that such plea of guilty, or such
233 decision, judgment, or verdict, has been set aside, reversed, or
234 otherwise abrogated by lawful judicial process or that the
235 person convicted of the crime received a pardon from the
236 jurisdiction where the conviction was entered or received a
237 certificate pursuant to any provision of law which removes the
238 disability under this part because of such conviction.

239 Section 11. Section 633.14, Florida Statutes, is amended
240 to read:

241 633.14 Agents; powers to make arrests, conduct searches
242 and seizures, serve summonses, and carry firearms.--Agents of
243 the State Fire Marshal shall have the same authority to serve
244 summonses, make arrests, carry firearms, and make searches and
245 seizures, as the sheriff or her or his deputies, in the
246 respective counties where such investigations, hearings, or
247 inspections may be held; and affidavits necessary to authorize
248 any such arrests, searches, or seizures may be made before any
249 trial court judge ~~magistrate~~ having authority under the law to
250 issue appropriate processes.



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

254 648.44 Prohibitions; penalty.--

255 (1) A bail bond agent, ~~or~~ temporary bail bond agent, or
 256 runner may not:

257 (e) Pay a fee or rebate or give or promise anything of
 258 value to a jailer, police officer, peace officer, or committing
 259 trial court judge ~~magistrate~~ or any other person who has power
 260 to arrest or to hold in custody or to any public official or
 261 public employee in order to secure a settlement, compromise,
 262 remission, or reduction of the amount of any bail bond or
 263 estreatment thereof.

264 (2) The following persons or classes shall not be bail
 265 bond agents, temporary bail bond agents, or employees of a bail
 266 bond agent or a bail bond business and shall not directly or
 267 indirectly receive any benefits from the execution of any bail
 268 bond:

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

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

273 817.482 Possessing or transferring device for theft of
 274 telecommunications service; concealment of destination of
 275 telecommunications service.--

276 (3) Any such instrument, apparatus, equipment, or device,
 277 or plans or instructions therefor, referred to in subsections
 278 (1) and (2), may be seized by court order or under a search



279 warrant of a judge ~~or magistrate~~ or incident to a lawful arrest;
 280 and upon the conviction of any person for a violation of any
 281 provision of this act, or s. 817.481, such instrument,
 282 apparatus, equipment, device, plans, or instructions either
 283 shall be destroyed as contraband by the sheriff of the county in
 284 which such person was convicted or turned over to the telephone
 285 company in whose territory such instrument, apparatus,
 286 equipment, device, plans, or instructions were seized.

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

289 828.122 Fighting or baiting animals; offenses;
 290 penalties.--

291 (5) Whenever an indictment is returned or an information
 292 is filed charging a violation of s. 828.12 or of this section
 293 and, in the case of an information, a trial court judge
 294 ~~magistrate~~ finds probable cause that a violation has occurred,
 295 the court shall order the animals seized and shall provide for
 296 appropriate and humane care or disposition of the animals. This
 297 provision shall not be construed as a limitation on the power to
 298 seize animals as evidence at the time of arrest.

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

301 832.05 Giving worthless checks, drafts, and debit card
 302 orders; penalty; duty of drawee; evidence; costs; complaint
 303 form.--

304 (8) COSTS.--When a prosecution is initiated under this
 305 section before any committing trial court judge ~~magistrate~~, the
 306 party applying for the warrant shall be held liable for costs



307 accruing in the event the case is dismissed for want of
 308 prosecution. No costs shall be charged to the county in such
 309 dismissed cases.

310 Section 16. Section 876.42, Florida Statutes, is amended
 311 to read:

312 876.42 Witnesses' privileges.--No person shall be excused
 313 from attending and testifying, or producing any books, papers,
 314 or other documents before any court, ~~magistrate,~~ referee, or
 315 grand jury upon any investigation, proceeding, or trial, for or
 316 relating to or concerned with a violation of any section of this
 317 law or attempt to commit such violation, upon the ground or for
 318 the reason that the testimony or evidence, documentary or
 319 otherwise, required by the state may tend to convict the person
 320 of a crime or to subject him or her to a penalty or forfeiture;
 321 but no person shall be prosecuted or subjected to any penalty or
 322 forfeiture for or on account of any transaction, matter, or
 323 thing concerning which the person may so testify or produce
 324 evidence, documentary or otherwise, and no testimony so given or
 325 produced shall be received against the person, upon any criminal
 326 investigation, proceeding, or trial, except upon a prosecution
 327 for perjury or contempt of court, based upon the giving or
 328 producing of such testimony.

329 Section 17. Paragraph (a) of subsection (1) of section
 330 893.12, Florida Statutes, is amended to read:

331 893.12 Contraband; seizure, forfeiture, sale.--

332 (1) All substances controlled by this chapter and all
 333 listed chemicals, which substances or chemicals are handled,
 334 delivered, possessed, or distributed contrary to any provisions



335 of this chapter, and all such controlled substances or listed
336 chemicals the lawful possession of which is not established or
337 the title to which cannot be ascertained, are declared to be
338 contraband, are subject to seizure and confiscation by any
339 person whose duty it is to enforce the provisions of the
340 chapter, and shall be disposed of as follows:

341 (a) Except as in this section otherwise provided, the
342 court having jurisdiction shall order such controlled substances
343 or listed chemicals forfeited and destroyed. A record of the
344 place where said controlled substances or listed chemicals were
345 seized, of the kinds and quantities of controlled substances or
346 listed chemicals destroyed, and of the time, place, and manner
347 of destruction shall be kept, and a return under oath reporting
348 said destruction shall be made to the court ~~or magistrate~~ by the
349 officer who destroys them.

350 Section 18. Section 901.01, Florida Statutes, is amended
351 to read:

352 901.01 Judicial officers have to be committing authority
353 ~~magistrates~~.--Each state judicial officer is a conservator of
354 the peace and has a committing ~~magistrate~~ with authority to
355 issue warrants of arrest, commit offenders to jail, and
356 recognize them to appear to answer the charge. He or she may
357 require sureties of the peace when the peace has been
358 substantially threatened or disturbed.

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

361 901.02 When warrant of arrest to be issued.--



362 (1) A warrant may be issued for the arrest of the person
 363 complained against if the trial court judge ~~magistrate~~, from the
 364 examination of the complainant and other witnesses, reasonably
 365 believes that the person complained against has committed an
 366 offense within the trial court judge's ~~magistrate's~~
 367 jurisdiction. A warrant is issued at the time it is signed by
 368 the trial court judge ~~magistrate~~.

369 Section 20. Section 901.07, Florida Statutes, is amended
 370 to read:

371 901.07 Admission to bail when arrest occurs in another
 372 county.--

373 (1) When an arrest by a warrant occurs in a county other
 374 than the one in which the alleged offense was committed and the
 375 warrant issued, if the person arrested has a right to bail, the
 376 arresting officer shall inform the person of his or her right
 377 and, upon request, shall take the person before a trial court
 378 judge ~~magistrate~~ or other official of the same county having
 379 authority to admit to bail. The official shall admit the person
 380 arrested to bail for his or her appearance before the trial
 381 court judge ~~magistrate~~ who issued the warrant.

382 (2) If the person arrested does not have a right to bail
 383 or, when informed of his or her right to bail, does not furnish
 384 bail immediately, the officer who made the arrest or the officer
 385 having the warrant shall take the person before the trial court
 386 judge ~~magistrate~~ who issued the warrant.

387 Section 21. Section 901.08, Florida Statutes, is amended
 388 to read:



389 901.08 Issue of warrant when offense triable in another
390 county.--

391 (1) When a complaint before a trial court judge ~~magistrate~~
392 charges the commission of an offense that is punishable by death
393 or life imprisonment and is triable in another county of the
394 state, but it appears that the person against whom the complaint
395 is made is in the county where the complaint is made, the same
396 proceedings for issuing a warrant shall be used as prescribed in
397 this chapter, except that the warrant shall require the person
398 against whom the complaint is made to be taken before a
399 designated trial court judge ~~magistrate~~ of the county in which
400 the offense is triable.

401 (2) If the person arrested has a right to bail, the
402 officer making the arrest shall inform the person of his or her
403 right to bail and, on request, shall take the person before a
404 trial court judge ~~magistrate~~ or other official having authority
405 to admit to bail in the county in which the arrest is made. The
406 official shall admit the person to bail for his or her
407 appearance before the trial court judge ~~magistrate~~ designated in
408 the warrant.

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

413 Section 22. Section 901.09, Florida Statutes, is amended
414 to read:

415 901.09 When summons shall be issued.--



416 (1) When the complaint is for an offense that the trial
417 court judge ~~magistrate~~ is empowered to try summarily, the trial
418 court judge ~~magistrate~~ shall issue a summons instead of a
419 warrant, unless she or he reasonably believes that the person
420 against whom the complaint was made will not appear upon a
421 summons, in which event the trial court judge ~~magistrate~~ shall
422 issue a warrant.

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

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

432 Section 23. Section 901.11, Florida Statutes, is amended
433 to read:

434 901.11 Effect of not answering summons.--Failure to appear
435 as commanded by a summons without good cause is an indirect
436 criminal contempt of court and may be punished by a fine of not
437 more than \$100. When a person fails to appear as commanded by a
438 summons, the trial court judge ~~magistrate~~ shall issue a warrant.
439 If the trial court judge ~~magistrate~~ acquires reason to believe
440 that the person summoned will not appear as commanded after
441 issuing a summons, the trial court judge ~~magistrate~~ may issue a
442 warrant.



443 Section 24. Section 901.12, Florida Statutes, is amended
 444 to read:

445 901.12 Summons against corporation.--When a complaint of
 446 an offense is made against a corporation, the trial court judge
 447 ~~magistrate~~ shall issue a summons that shall set forth
 448 substantially the nature of the offense and command the
 449 corporation to appear before the trial court judge ~~magistrate~~ at
 450 a stated time and place.

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

453 901.25 Fresh pursuit; arrest outside jurisdiction.--

454 (3) If an arrest is made in this state by an officer
 455 outside the county within which his or her jurisdiction lies,
 456 the officer shall immediately notify the officer in charge of
 457 the jurisdiction in which the arrest is made. Such officer in
 458 charge of the jurisdiction shall, along with the officer making
 459 the arrest, take the person so arrested before a trial ~~county~~
 460 ~~court judge or other committing magistrate~~ of the county in
 461 which the arrest was made without unnecessary delay.

462 Section 26. Section 902.15, Florida Statutes, is amended
 463 to read:

464 902.15 Undertaking by witness.--When a defendant is held
 465 to answer on a charge for a crime punishable by death or life
 466 imprisonment, the trial court judge ~~magistrate~~ at the
 467 preliminary hearing may require each material witness to enter
 468 into a written recognizance to appear at the trial or forfeit a
 469 sum fixed by the trial court judge ~~magistrate~~. Additional



470 security may be required in the discretion of the trial court
471 judge ~~magistrate~~.

472 Section 27. Subsections (1), (2), and (3) of section
473 902.17, Florida Statutes, are amended to read:

474 902.17 Procedure when witness does not give security.--

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

479 (2) If the trial court judge ~~magistrate~~ requires a witness
480 to give security for her or his appearance and the witness is
481 unable to give the security, the witness may apply to the court
482 having jurisdiction to try the defendant for a reduction of the
483 security.

484 (3) If it appears from examination on oath of the witness
485 or any other person that the witness is unable to give security,
486 the trial court judge ~~magistrate~~ or the court having
487 jurisdiction to try the defendant shall make an order finding
488 that fact, and the witness shall be detained pending application
489 for her or his conditional examination. Within 3 days after ~~from~~
490 the entry of the order, the witness shall be conditionally
491 examined on application of the state or the defendant. The
492 examination shall be by question and answer in the presence of
493 the other party and counsel, and shall be transcribed by a court
494 reporter or stenographer selected by the parties. At the
495 completion of the examination the witness shall be discharged.
496 The deposition of the witness may be introduced in evidence at
497 the trial by the defendant, or, if the prosecuting attorney and



498 the defendant and the defendant's counsel agree, it may be
499 admitted in evidence by stipulation. The deposition shall not be
500 admitted on behalf of the state without the consent of the
501 defendant.

502 Section 28. Section 902.20, Florida Statutes, is amended
503 to read:

504 902.20 Contempts before committing trial court judge
505 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding a
506 preliminary hearing shall have the same power to punish for
507 contempts that she or he has while presiding at the trial of
508 criminal cases.

509 Section 29. Section 902.21, Florida Statutes, is amended
510 to read:

511 902.21 Commitment to jail in another county.--If a person
512 is committed in a county where there is no jail, the committing
513 trial court judge ~~magistrate~~ shall direct the sheriff to deliver
514 the accused to a jail in another county.

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

517 903.03 Jurisdiction of trial court to admit to bail;
518 duties and responsibilities of Department of Corrections.--

519 (1) After a person is held to answer by a trial court
520 judge ~~magistrate~~, the court having jurisdiction to try the
521 defendant shall, before indictment, affidavit, or information is
522 filed, have jurisdiction to hear and decide all preliminary
523 motions regarding bail and production or impounding of all
524 articles, writings, moneys, or other exhibits expected to be
525 used at the trial by either the state or the defendant.



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

528 903.32 Defects in bond.--

529 (2) If no day, or an impossible day, is stated in a bond
530 for the defendant's appearance before a trial court judge
531 ~~magistrate~~ for a hearing, the defendant shall be bound to appear
532 10 days after receipt of notice to appear by the defendant, the
533 defendant's counsel, or any surety on the undertaking. If no
534 day, or an impossible day, is stated in a bond for the
535 defendant's appearance for trial, the defendant shall be bound
536 to appear on the first day of the next term of court that will
537 commence more than 3 days after the undertaking is given.

538 Section 32. Section 903.34, Florida Statutes, is amended
539 to read:

540 903.34 Who may admit to bail.--In criminal actions
541 instituted or pending in any state court, bonds given by
542 defendants before trial until appeal shall be approved by a
543 committing trial court judge ~~magistrate~~ or the sheriff. Appeal
544 bonds shall be approved as provided in s. 924.15.

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

547 914.22 Tampering with a witness, victim, or informant.--

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

550 (a) That the official proceeding before a judge, court,
551 ~~magistrate~~, grand jury, or government agency is before a judge
552 or court of the state, a state or local grand jury, or a state
553 agency; or



554 (b) That the judge is a judge of the state or that the law
 555 enforcement officer is an officer or employee of the state or a
 556 person authorized to act for or on behalf of the state or
 557 serving the state as an adviser or consultant.

558 Section 34. Section 923.01, Florida Statutes, is amended
 559 to read:

560 923.01 Criminal report.--Each committing trial court judge
 561 ~~magistrate~~ at the time commitment papers are sent by her or him
 562 to the proper trial court, and the sheriff when an arrest is
 563 made, other than on a capias, shall transmit to the prosecuting
 564 attorney of the trial court having jurisdiction, a report in the
 565 following form:

566 CRIMINAL REPORT

567 Date: ____ Name and address of defendant: ____ Age: ____ . If
 568 under 18, give name and address of parent, next friend, or
 569 guardian: ____ Name of offense, such as murder, assault,
 570 robbery, etc.: ____ Date and place where committed: ____ Value
 571 of property stolen: ____ Kind of property stolen: ____ Kind of
 572 building robbed: ____ Name and address of owner of property
 573 stolen or building robbed: ____ Name and address of occupant of
 574 building robbed: ____ Name of party assaulted or murdered: ____
 575 Weapon used in assault or murder: ____ Exhibits taken at scene
 576 of crime or from defendant: ____ Name of custodian of such
 577 exhibits: ____ Location of building or place where offense
 578 committed: ____ Previous prison record of defendant: ____ Has
 579 defendant been arrested: ____ Does defendant desire to plead
 580 guilty: ____ Names and addresses of state witnesses: ____ Name
 581 of defendant's lawyer: ____ If defendant is released on bond,



582 names and addresses of sureties: ____ Brief statement of facts:
 583 ____ Name of committing trial court judge ~~magistrate~~: ____ If
 584 additional space required, use reverse side of this sheet.

585 ... (Signature of party making this report.) ...

586 Section 35. Section 933.01, Florida Statutes, is amended
 587 to read:

588 933.01 Persons competent to issue search warrant.--A
 589 search warrant authorized by law may be issued by any judge,
 590 including the ~~judge of any circuit court of this state or county~~
 591 ~~court judge, or~~ committing judge of the trial court ~~magistrate~~
 592 having jurisdiction where the place, vehicle, or thing to be
 593 searched may be.

594 Section 36. Section 933.06, Florida Statutes, is amended
 595 to read:

596 933.06 Sworn application required before issuance.--The
 597 judge ~~or magistrate~~ must, before issuing the warrant, have the
 598 application of some person for said warrant duly sworn to and
 599 subscribed, and may receive further testimony from witnesses or
 600 supporting affidavits, or depositions in writing, to support the
 601 application. The affidavit and further proof, if same be had or
 602 required, must set forth the facts tending to establish the
 603 grounds of the application or probable cause for believing that
 604 they exist.

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

607 933.07 Issuance of search warrants.--

608 (1) The judge, upon examination of the application and
 609 proofs submitted, if satisfied that probable cause exists for



610 the issuing of the search warrant, shall thereupon issue a
 611 search warrant signed by him or her with his or her name of
 612 office, to any sheriff and the sheriff's deputies or any police
 613 officer or other person authorized by law to execute process,
 614 commanding the officer or person forthwith to search the
 615 property described in the warrant or the person named, for the
 616 property specified, and to bring the property and any person
 617 arrested in connection therewith before the judge ~~magistrate~~ or
 618 some other court having jurisdiction of the offense.

619 Section 38. Section 933.10, Florida Statutes, is amended
 620 to read:

621 933.10 Execution of search warrant during day or night.--A
 622 search warrant issued under ~~the provisions of~~ this chapter may,
 623 if expressly authorized in such warrant by the judge ~~or~~
 624 ~~magistrate issuing the same~~, be executed by being served either
 625 in the daytime or in the nighttime, as the exigencies of the
 626 occasion may demand or require.

627 Section 39. Section 933.101, Florida Statutes, is amended
 628 to read:

629 933.101 Service on Sunday.--A search warrant may be
 630 executed by being served on Sunday, if expressly authorized in
 631 such warrant by the judge ~~or magistrate issuing the same~~.

632 Section 40. Section 933.13, Florida Statutes, is amended
 633 to read:

634 933.13 Copy of inventory shall be delivered upon
 635 request.--The judge ~~or magistrate~~ to whom the warrant is
 636 returned, upon the request of any claimant or any person from
 637 whom said property is taken, or the officer who executed the



638 search warrant, shall deliver to said applicant a true copy of
639 the inventory of the property mentioned in the return on said
640 warrant.

641 Section 41. Subsections (1), (3), and (4) of section
642 933.14, Florida Statutes, are amended to read:

643 933.14 Return of property taken under search warrant.--

644 (1) If it appears to the ~~magistrate~~ or judge before whom
645 the warrant is returned that the property or papers taken are
646 not the same as that described in the warrant, or that there is
647 no probable cause for believing the existence of the grounds
648 upon which the warrant was issued, or if it appears to the judge
649 ~~magistrate~~ before whom any property is returned that the
650 property was secured by an "unreasonable" search, the judge ~~or~~
651 ~~magistrate~~ may order a return of the property taken; provided,
652 however, that in no instance shall contraband such as slot
653 machines, gambling tables, lottery tickets, tally sheets,
654 rundown sheets, or other gambling devices, paraphernalia and
655 equipment, or narcotic drugs, obscene prints and literature be
656 returned to anyone claiming an interest therein, it being the
657 specific intent of the Legislature that no one has any property
658 rights subject to be protected by any constitutional provision
659 in such contraband; provided, further, that the claimant of said
660 contraband may upon sworn petition and proof submitted by him or
661 her in the circuit court of the county where seized, show that
662 said contraband articles so seized were held, used or possessed
663 in a lawful manner, for a lawful purpose, and in a lawful place,
664 the burden of proof in all cases being upon the claimant. The
665 sworn affidavit or complaint upon which the search warrant was



666 issued or the testimony of the officers showing probable cause
667 to search without a warrant or incident to a legal arrest, and
668 the finding of such slot machines, gambling tables, lottery
669 tickets, tally sheets, rundown sheets, scratch sheets, or other
670 gambling devices, paraphernalia, and equipment, including money
671 used in gambling or in furtherance of gambling, or narcotic
672 drugs, obscene prints and literature, or any of them, shall
673 constitute prima facie evidence of the illegal possession of
674 such contraband and the burden shall be upon the claimant for
675 the return thereof, to show that such contraband was lawfully
676 acquired, possessed, held, and used.

677 (3) No pistol or firearm taken by any officer with a
678 search warrant or without a search warrant upon a view by the
679 officer of a breach of the peace shall be returned except
680 pursuant to an order of a trial ~~ircuit judge or a county~~ court
681 judge.

682 (4) If no cause is shown for the return of any property
683 seized or taken under a search warrant, the judge ~~or magistrate~~
684 shall order that the same be impounded for use as evidence at
685 any trial of any criminal or penal cause growing out of the
686 having or possession of said property, but perishable property
687 held or possessed in violation of law may be sold where the same
688 is not prohibited, as may be directed by the court, or returned
689 to the person from whom taken. The judge ~~or magistrate~~ to whom
690 said search warrant is returned shall file the same with the
691 inventory and sworn return in the proper office, and if the
692 original affidavit and proofs upon which the warrant was issued
693 are in his or her possession, he or she shall apply to the



694 officer having the same and the officer shall transmit and
 695 deliver all of the papers, proofs, and certificates to the
 696 proper office where the proceedings are lodged.

697 Section 42. Section 939.02, Florida Statutes, is amended
 698 to read:

699 939.02 Costs before committing trial court judge
 700 ~~magistrate~~.--All costs accruing before a committing trial court
 701 judge ~~magistrate~~ shall be taxed against the defendant on
 702 conviction or estreat of recognizance.

703 Section 43. Section 939.14, Florida Statutes, is amended
 704 to read:

705 939.14 County not to pay costs in cases where information
 706 is not filed or indictment found.--When a committing trial court
 707 judge ~~magistrate~~ holds to bail or commits any person to answer a
 708 criminal charge in a county court or a circuit court, and an
 709 information is not filed nor an indictment found against such
 710 person, the costs of such committing trial shall not be paid by
 711 the county, except the costs for executing the warrant.

712 Section 44. Section 941.13, Florida Statutes, is amended
 713 to read:

714 941.13 Arrest prior to requisition.--Whenever any person
 715 within this state shall be charged on the oath of any credible
 716 person before any judge ~~or magistrate~~ of this state with the
 717 commission of any crime in any other state, and, except in cases
 718 arising under s. 941.06, with having fled from justice or with
 719 having been convicted of a crime in that state and having
 720 escaped from confinement, or having broken the terms of his or
 721 her bail, probation, or parole, or whenever complaint shall have



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

740 | Section 45. Section 941.14, Florida Statutes, is amended
741 | to read:

742 | 941.14 Arrest without a warrant.--The arrest of a person
743 | may be lawfully made also by any peace officer or a private
744 | person, without a warrant upon reasonable information that the
745 | accused stands charged in the courts of a state with a crime
746 | punishable by death or imprisonment for a term exceeding 1 year,
747 | but when so arrested the accused must be taken before a judge ~~or~~
748 | ~~magistrate~~ with all practicable speed and complaint must be made
749 | against the accused under oath setting forth the ground for the



750 arrest as in the preceding section; and thereafter his or her
 751 answer shall be heard as if the accused had been arrested on a
 752 warrant.

753 Section 46. Section 941.15, Florida Statutes, is amended
 754 to read:

755 941.15 Commitment to await requisition; bail.--If from the
 756 examination before the judge ~~or magistrate~~ it appears that the
 757 person held is the person charged with having committed the
 758 crime alleged and, except in cases arising under s. 941.06, that
 759 the person has fled from justice, the judge ~~or magistrate~~ must,
 760 by a warrant reciting the accusation, commit the person to the
 761 county jail for such a time not exceeding 30 days and specified
 762 in the warrant, ~~as will enable the arrest of the accused to be~~
 763 made under a warrant of the Governor on a requisition of the
 764 executive authority of the state having jurisdiction of the
 765 offense, unless the accused gives ~~give~~ bail as provided in s.
 766 941.16 ~~the next section~~, or until the accused shall be legally
 767 discharged.

768 Section 47. Section 941.17, Florida Statutes, is amended
 769 to read:

770 941.17 Extension of time of commitment, adjournment.--If
 771 the accused is not arrested under warrant of the Governor by the
 772 expiration of the time specified in the warrant or bond, a judge
 773 ~~or magistrate~~ may discharge the accused or may recommit him or
 774 her for a further period not to exceed 60 days, or a judge ~~or~~
 775 ~~magistrate judge~~ may again take bail for his or her appearance
 776 and surrender, as provided in s. 941.16, but within a period not
 777 to exceed 60 days after the date of such new bond.



778 Section 48. Section 941.18, Florida Statutes, is amended
 779 to read:

780 941.18 Forfeiture of bail.--If the prisoner is admitted to
 781 bail, and fails to appear and surrender himself or herself
 782 according to the conditions of his or her bond, the judge,~~or~~
 783 ~~magistrate by proper order,~~ shall declare the bond forfeited and
 784 order his or her immediate arrest without warrant if he or she
 785 is ~~be~~ within this state. Recovery may be had on such bond in the
 786 name of the state as in the case of other bonds given by the
 787 accused in criminal proceedings within this state.

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

790 947.141 Violations of conditional release, control
 791 release, or conditional medical release or addiction-recovery
 792 supervision.--

793 (2) Upon the arrest on a felony charge of an offender who
 794 is on release supervision under s. 947.1405, s. 947.146, s.
 795 947.149, or s. 944.4731, the offender must be detained without
 796 bond until the initial appearance of the offender at which a
 797 judicial determination of probable cause is made. If the trial
 798 court judge ~~magistrate~~ determines that there was no probable
 799 cause for the arrest, the offender may be released. If the trial
 800 court judge ~~magistrate~~ determines that there was probable cause
 801 for the arrest, such determination also constitutes reasonable
 802 grounds to believe that the offender violated the conditions of
 803 the release. Within 24 hours after the trial court judge's
 804 ~~magistrate's~~ finding of probable cause, the detention facility
 805 administrator or designee shall notify the commission and the



806 department of the finding and transmit to each a facsimile copy
807 of the probable cause affidavit or the sworn offense report upon
808 which the trial court judge's ~~magistrate's~~ probable cause
809 determination is based. The offender must continue to be
810 detained without bond for a period not exceeding 72 hours
811 excluding weekends and holidays after the date of the probable
812 cause determination, pending a decision by the commission
813 whether to issue a warrant charging the offender with violation
814 of the conditions of release. Upon the issuance of the
815 commission's warrant, the offender must continue to be held in
816 custody pending a revocation hearing held in accordance with
817 this section.

818 Section 50. Subsection (1) of section 948.06, Florida
819 Statutes, is amended to read:

820 948.06 Violation of probation or community control;
821 revocation; modification; continuance; failure to pay
822 restitution or cost of supervision.--

823 (1) Whenever within the period of probation or community
824 control there are reasonable grounds to believe that a
825 probationer or offender in community control has violated his or
826 her probation or community control in a material respect, any
827 law enforcement officer who is aware of the probationary or
828 community control status of the probationer or offender in
829 community control or any parole or probation supervisor may
830 arrest or request any county or municipal law enforcement
831 officer to arrest such probationer or offender without warrant
832 wherever found and forthwith return him or her to the court
833 granting such probation or community control. Any committing



834 trial court judge ~~magistrate~~ may issue a warrant, upon the facts
835 being made known to him or her by affidavit of one having
836 knowledge of such facts, for the arrest of the probationer or
837 offender, returnable forthwith before the court granting such
838 probation or community control. Any parole or probation
839 supervisor, any officer authorized to serve criminal process, or
840 any peace officer of this state is authorized to serve and
841 execute such warrant. Upon the filing of an affidavit alleging a
842 violation of probation or community control and following
843 issuance of a warrant under s. 901.02, the probationary period
844 is tolled until the court enters a ruling on the violation.
845 Notwithstanding the tolling of probation as provided in this
846 subsection, the court shall retain jurisdiction over the
847 offender for any violation of the conditions of probation or
848 community control that is alleged to have occurred during the
849 tolling period. The probation officer is permitted to continue
850 to supervise any offender who remains available to the officer
851 for supervision until the supervision expires pursuant to the
852 order of probation or community control or until the court
853 revokes or terminates the probation or community control,
854 whichever comes first. The court, upon the probationer or
855 offender being brought before it, shall advise him or her of
856 such charge of violation and, if such charge is admitted to be
857 true, may forthwith revoke, modify, or continue the probation or
858 community control or place the probationer into a community
859 control program. If probation or community control is revoked,
860 the court shall adjudge the probationer or offender guilty of
861 the offense charged and proven or admitted, unless he or she has



862 | previously been adjudged guilty, and impose any sentence which
863 | it might have originally imposed before placing the probationer
864 | on probation or the offender into community control. If such
865 | violation of probation or community control is not admitted by
866 | the probationer or offender, the court may commit him or her or
867 | release him or her with or without bail to await further
868 | hearing, or it may dismiss the charge of probation or community
869 | control violation. If such charge is not at that time admitted
870 | by the probationer or offender and if it is not dismissed, the
871 | court, as soon as may be practicable, shall give the probationer
872 | or offender an opportunity to be fully heard on his or her
873 | behalf in person or by counsel. After such hearing, the court
874 | may revoke, modify, or continue the probation or community
875 | control or place the probationer into community control. If such
876 | probation or community control is revoked, the court shall
877 | adjudge the probationer or offender guilty of the offense
878 | charged and proven or admitted, unless he or she has previously
879 | been adjudged guilty, and impose any sentence which it might
880 | have originally imposed before placing the probationer or
881 | offender on probation or into community control. Notwithstanding
882 | s. 775.082, when a period of probation or community control has
883 | been tolled, upon revocation or modification of the probation or
884 | community control, the court may impose a sanction with a term
885 | that when combined with the amount of supervision served and
886 | tolled, exceeds the term permissible pursuant to s. 775.082 for
887 | a term up to the amount of the tolled period supervision. If the
888 | court dismisses an affidavit alleging a violation of probation
889 | or community control, the offender's probation or community



890 control shall continue as previously imposed, and the offender
891 shall receive credit for all tolled time against his or her term
892 of probation or community control.

893 Section 51. Paragraph (b) of subsection (4) of section
894 985.05, Florida Statutes, is amended to read:

895 985.05 Court records.--

896 (4) A court record of proceedings under this part is not
897 admissible in evidence in any other civil or criminal
898 proceeding, except that:

899 (b) Orders binding an adult over for trial on a criminal
900 charge, made by the committing trial court judge ~~as a committing~~
901 ~~magistrate~~, are admissible in evidence in the court to which the
902 adult is bound over.

903 Section 52. Section 56.071, Florida Statutes, is amended
904 to read:

905 56.071 Executions on equities of redemption; discovery of
906 value.--On motion made by the party causing a levy to be made on
907 an equity of redemption, the court from which the execution
908 issued shall order the mortgagor, mortgagee, and all other
909 persons interested in the mortgaged property levied on to appear
910 and be examined about the amount remaining due on the mortgage,
911 the amount that has been paid, the party to whom that amount has
912 been paid, and the date when that amount was paid ~~to whom and~~
913 ~~when paid~~ so that the value of the equity of redemption may be
914 ascertained before the property ~~it~~ is sold. The court may
915 appoint a general or special magistrate ~~master~~ to conduct the
916 examination. This section shall also apply to the interest of



917 and personal property in possession of a vendee under a retained
918 title contract or conditional sales contract.

919 Section 53. Subsections (2), (7), and (10) of section
920 56.29, Florida Statutes, are amended to read:

921 56.29 Proceedings supplementary.--

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

927 (7) At any time the court may refer the proceeding to a
928 general or special magistrate ~~master~~ who may be directed to
929 report findings of law or fact, or both. The general or special
930 magistrate ~~master~~ has all the powers thereof, including the
931 power to issue subpoena, and shall be paid the fees provided by
932 law.

933 (10) Any person failing to obey any order issued under
934 this section by a judge or general or special magistrate ~~master~~
935 or failing to attend in response to a subpoena served on him or
936 her may be held in contempt.

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

939 61.1826 Procurement of services for State Disbursement
940 Unit and the non-Title IV-D component of the State Case
941 Registry; contracts and cooperative agreements; penalties;
942 withholding payment.--

943 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The
944 contract between the Florida Association of Court Clerks and the



945 department, and cooperative agreements entered into by the
946 depositories and the department, must contain, but are not
947 limited to, the following terms:

948 (a) The initial term of the contract and cooperative
949 agreements is for 5 years. The subsequent term of the contract
950 and cooperative agreements is for 3 years, with the option of
951 two 1-year renewal periods, at the sole discretion of the
952 department.

953 (b) The duties and responsibilities of the Florida
954 Association of Court Clerks, the depositories, and the
955 department.

956 (c) Under s. 287.058(1)(a), all providers and
957 subcontractors shall submit to the department directly, or
958 through the Florida Association of Court Clerks, a report of
959 monthly expenditures in a format prescribed by the department
960 and in sufficient detail for a proper preaudit and postaudit
961 thereof.

962 (d) All providers and subcontractors shall submit to the
963 department directly, or through the Florida Association of Court
964 Clerks, management reports in a format prescribed by the
965 department.

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

968 (f) Federal financial participation for eligible Title IV-
969 D expenditures incurred by the Florida Association of Court
970 Clerks and the depositories shall be at the maximum level
971 permitted by federal law for expenditures incurred for the
972 provision of services in support of child support enforcement in



973 accordance with 45 C.F.R. part 74 and Federal Office of
974 Management and Budget Circulars A-87 and A-122 and based on an
975 annual cost allocation study of each depository. The
976 depositories shall submit directly, or through the Florida
977 Association of Court Clerks, claims for Title IV-D expenditures
978 monthly to the department in a standardized format as prescribed
979 by the department. The Florida Association of Court Clerks shall
980 contract with a certified public accounting firm, selected by
981 the Florida Association of Court Clerks and the department, to
982 audit and certify quarterly to the department all claims for
983 expenditures submitted by the depositories for Title IV-D
984 reimbursement.

985 (g) Upon termination of the contracts between the
986 department and the Florida Association of Court Clerks or the
987 depositories, the Florida Association of Court Clerks, its
988 agents, and the depositories shall assist the department in
989 making an orderly transition to a private vendor.

990 (h) Interest on late payment by the department shall be in
991 accordance with s. 215.422.

992
993 If either the department or the Florida Association of Court
994 Clerks objects to a term of the standard cooperative agreement
995 or contract specified in subsections (2) and (3), the disputed
996 term or terms shall be presented jointly by the parties to the
997 Attorney General or the Attorney General's designee, who shall
998 act as special magistrate ~~master~~. The special magistrate ~~master~~
999 shall resolve the dispute in writing within 10 days. The
1000 resolution of a dispute by the special magistrate ~~master~~ is



1001 binding on the department and the Florida Association of Court
 1002 Clerks.

1003 Section 55. Section 64.061, Florida Statutes, is amended
 1004 to read:

1005 64.061 Partition of property; commissioners; special
 1006 magistrate ~~master~~.--

1007 (1) APPOINTMENT AND REMOVAL.--When a judgment of partition
 1008 is made, the court shall appoint three suitable persons as
 1009 commissioners to make the partition. They shall be selected by
 1010 the court unless agreed on by the parties. They may be removed
 1011 by the court for good cause and others appointed in their
 1012 places.

1013 (2) POWERS, DUTIES, COMPENSATION AND REPORT OF
 1014 COMMISSIONERS.--The commissioners shall be sworn to execute the
 1015 trust imposed in them faithfully and impartially before entering
 1016 on their duties; have power to employ a surveyor, if necessary,
 1017 for the purpose of making partition; be allowed such sum as is
 1018 reasonable for their services; to make partition of the lands in
 1019 question according to the court's order and report it in writing
 1020 to the court without delay.

1021 (3) EXCEPTIONS TO REPORT AND FINAL JUDGMENT.--Any party
 1022 may file objections to the report of the commissioners within 10
 1023 days after it is served. If no objections are filed or if the
 1024 court is satisfied on hearing any such objections that they are
 1025 not well-founded, the report shall be confirmed, and a final
 1026 judgment entered vesting in the parties the title to the parcels
 1027 of the lands allotted to them respectively, and giving each of
 1028 them the possession of and quieting title to their respective



1029 shares as against the other parties to the action or those
 1030 claiming through or under them.

1031 (4) APPOINTMENT OF SPECIAL MAGISTRATE ~~MASTER~~ WHERE
 1032 PROPERTY NOT SUBJECT TO PARTITION.--On an uncontested allegation
 1033 in a pleading that the property sought to be partitioned is
 1034 indivisible and is not subject to partition without prejudice to
 1035 the owners of it or if a judgment of partition is entered and
 1036 the court is satisfied that the allegation is correct, on motion
 1037 of any party and notice to the others the court may appoint a
 1038 special magistrate ~~master~~ or the clerk to make sale of the
 1039 property either at private sale or as provided by s. 64.071.

1040 Section 56. Subsection (5) of section 65.061, Florida
 1041 Statutes, is amended to read:

1042 65.061 Quieting title; additional remedy.--

1043 (5) RECORDING FINAL JUDGMENTS.--All final judgments may be
 1044 recorded in the county or counties in which the land is situated
 1045 and operate to vest title in like manner as though a conveyance
 1046 were executed by a special magistrate ~~master~~ or commissioner.

1047 Section 57. Section 69.051, Florida Statutes, is amended
 1048 to read:

1049 69.051 General and special magistrates ~~Masters in~~
 1050 ~~chancery~~; compensation.--General and special magistrates
 1051 appointed by the court ~~Masters in chancery~~ shall be allowed such
 1052 compensation for any services as the court deems reasonable,
 1053 including time consumed in legal research required in preparing
 1054 and summarizing their findings of fact and law.

1055 Section 58. Section 70.51, Florida Statutes, is amended to
 1056 read:



1057 70.51 Land use and environmental dispute resolution.--

1058 (1) This section may be cited as the "Florida Land Use and
1059 Environmental Dispute Resolution Act."

1060 (2) As used in this section, the term:

1061 (a) "Development order" means any order, or notice of
1062 proposed state or regional governmental agency action, which is
1063 or will have the effect of granting, denying, or granting with
1064 conditions an application for a development permit, and includes
1065 the rezoning of a specific parcel. Actions by the state or a
1066 local government on comprehensive plan amendments are not
1067 development orders.

1068 (b) "Development permit" means any building permit, zoning
1069 permit, subdivision approval, certification, special exception,
1070 variance, or any other similar action of local government, as
1071 well as any permit authorized to be issued under state law by
1072 state, regional, or local government which has the effect of
1073 authorizing the development of real property including, but not
1074 limited to, programs implementing chapters 125, 161, 163, 166,
1075 187, 258, 372, 373, 378, 380, and 403.

1076 (c) "Special magistrate ~~master~~" means a person selected by
1077 the parties to perform the duties prescribed in this section.
1078 The special magistrate ~~master~~ must be a resident of the state
1079 and possess experience and expertise in mediation and at least
1080 one of the following disciplines and a working familiarity with
1081 the others: land use and environmental permitting, land
1082 planning, land economics, local and state government
1083 organization and powers, and the law governing the same.



1084 (d) "Owner" means a person with a legal or equitable
 1085 interest in real property who filed an application for a
 1086 development permit for the property at the state, regional, or
 1087 local level and who received a development order, or who holds
 1088 legal title to real property that is subject to an enforcement
 1089 action of a governmental entity.

1090 (e) "Proposed use of the property" means the proposal
 1091 filed by the owner to develop his or her real property.

1092 (f) "Governmental entity" includes an agency of the state,
 1093 a regional or a local government created by the State
 1094 Constitution or by general or special act, any county or
 1095 municipality, or any other entity that independently exercises
 1096 governmental authority. The term does not include the United
 1097 States or any of its agencies.

1098 (g) "Land" or "real property" means land and includes any
 1099 appurtenances and improvements to the land, including any other
 1100 relevant real property in which the owner had a relevant
 1101 interest.

1102 (3) Any owner who believes that a development order,
 1103 either separately or in conjunction with other development
 1104 orders, or an enforcement action of a governmental entity, is
 1105 unreasonable or unfairly burdens the use of the owner's real
 1106 property, may apply within 30 days after receipt of the order or
 1107 notice of the governmental action for relief under this section.

1108 (4) To initiate a proceeding under this section, an owner
 1109 must file a request for relief with the elected or appointed
 1110 head of the governmental entity that issued the development
 1111 order or orders, or that initiated the enforcement action. The



1112 head of the governmental entity may not charge the owner for the
 1113 request for relief and must forward the request for relief to
 1114 the special magistrate ~~master~~ who is mutually agreed upon by the
 1115 owner and the governmental entity within 10 days after receipt
 1116 of the request.

1117 (5) The governmental entity with whom a request has been
 1118 filed shall also serve a copy of the request for relief by
 1119 United States mail or by hand delivery to:

1120 (a) Owners of real property contiguous to the owner's
 1121 property at the address on the latest county tax roll.

1122 (b) Any substantially affected party who submitted oral or
 1123 written testimony, sworn or unsworn, of a substantive nature
 1124 which stated with particularity objections to or support for any
 1125 development order at issue or enforcement action at issue.
 1126 Notice under this paragraph is required only if that party
 1127 indicated a desire to receive notice of any subsequent special
 1128 magistrate ~~master~~ proceedings occurring on the development order
 1129 or enforcement action. Each governmental entity must maintain in
 1130 its files relating to particular development orders a mailing
 1131 list of persons who have presented oral or written testimony and
 1132 who have requested notice.

1133 (6) The request for relief must contain:

1134 (a) A brief statement of the owner's proposed use of the
 1135 property.

1136 (b) A summary of the development order or description of
 1137 the enforcement action. A copy of the development order or the
 1138 documentation of an enforcement action at issue must be attached
 1139 to the request.



1140 (c) A brief statement of the impact of the development
 1141 order or enforcement action on the ability of the owner to
 1142 achieve the proposed use of the property.

1143 (d) A certificate of service showing the parties,
 1144 including the governmental entity, served.

1145 (7) The special magistrate ~~master~~ may require other
 1146 information in the interest of gaining a complete understanding
 1147 of the request for relief.

1148 (8) The special magistrate ~~master~~ may conduct a hearing on
 1149 whether the request for relief should be dismissed for failing
 1150 to include the information required in subsection (6). If the
 1151 special magistrate ~~master~~ dismisses the case, the special
 1152 magistrate ~~master~~ shall allow the owner to amend the request and
 1153 refile. Failure to file an adequate amended request within the
 1154 time specified shall result in a dismissal with prejudice as to
 1155 this proceeding.

1156 (9) By requesting relief under this section, the owner
 1157 consents to grant the special magistrate ~~master~~ and the parties
 1158 reasonable access to the real property with advance notice at a
 1159 time and in a manner acceptable to the owner of the real
 1160 property.

1161 (10)(a) Before initiating a special magistrate ~~master~~
 1162 proceeding to review a local development order or local
 1163 enforcement action, the owner must exhaust all nonjudicial local
 1164 government administrative appeals if the appeals take no longer
 1165 than 4 months. Once nonjudicial local administrative appeals are
 1166 exhausted and the development order or enforcement action is
 1167 final, or within 4 months after issuance of the development



1168 order or notice of the enforcement action if the owner has
1169 pursued local administrative appeals even if the appeals have
1170 not been concluded, the owner may initiate a proceeding under
1171 this section. Initiation of a proceeding tolls the time for
1172 seeking judicial review of a local government development order
1173 or enforcement action until the special magistrate's ~~master's~~
1174 recommendation is acted upon by the local government. Election
1175 by the owner to file for judicial review of a local government
1176 development order or enforcement action prior to initiating a
1177 proceeding under this section waives any right to a special
1178 magistrate ~~master~~ proceeding.

1179 (b) If an owner requests ~~special-master~~ relief under this
1180 section from a development order or enforcement action issued by
1181 a state or regional agency, the time for challenging agency
1182 action under ss. 120.569 and 120.57 is tolled. If an owner
1183 chooses to bring a proceeding under ss. 120.569 and 120.57
1184 before initiating a ~~special-master~~ proceeding under this
1185 section, then the owner waives any right to a special magistrate
1186 ~~master~~ proceeding unless all parties consent to proceeding to
1187 mediation.

1188 (11) The initial party to the proceeding is the
1189 governmental entity that issues the development order to the
1190 owner or that is taking the enforcement action. In those
1191 instances when the development order or enforcement action is
1192 the culmination of a process involving more than one
1193 governmental entity or when a complete resolution of all
1194 relevant issues would require the active participation of more
1195 than one governmental entity, the special magistrate ~~master~~ may,



1196 upon application of a party, join those governmental entities as
 1197 parties to the proceeding if it will assist in effecting the
 1198 purposes of this section, and those governmental entities so
 1199 joined shall actively participate in the procedure.

1200 (12) Within 21 days after receipt of the request for
 1201 relief, any owner of land contiguous to the owner's property and
 1202 any substantially affected person who submitted oral or written
 1203 testimony, sworn or unsworn, of a substantive nature which
 1204 stated with particularity objections to or support for the
 1205 development order or enforcement action at issue may request to
 1206 participate in the proceeding. Those persons may be permitted to
 1207 participate in the hearing but shall not be granted party or
 1208 intervenor status. The participation of such persons is limited
 1209 to addressing issues raised regarding alternatives, variances,
 1210 and other types of adjustment to the development order or
 1211 enforcement action which may impact their substantial interests,
 1212 including denial of the development order or application of an
 1213 enforcement action.

1214 (13) Each party must make efforts to assure that those
 1215 persons qualified by training or experience necessary to address
 1216 issues raised by the request or by the special magistrate ~~master~~
 1217 and further qualified to address alternatives, variances, and
 1218 other types of modifications to the development order or
 1219 enforcement action are present at the hearing.

1220 (14) The special magistrate ~~master~~ may subpoena any
 1221 nonparty witnesses in the state whom the special magistrate
 1222 ~~master~~ believes will aid in the disposition of the matter.



1223 (15)(a) The special magistrate ~~master~~ shall hold a hearing
 1224 within 45 days after his or her receipt of the request for
 1225 relief unless a different date is agreed to by all the parties.
 1226 The hearing must be held in the county in which the property is
 1227 located.

1228 (b) The special magistrate ~~master~~ must provide notice of
 1229 the place, date, and time of the hearing to all parties and any
 1230 other persons who have requested such notice at least 40 days
 1231 prior to the hearing.

1232 (16)(a) Fifteen days following the filing of a request for
 1233 relief, the governmental entity that issued the development
 1234 order or that is taking the enforcement action shall file a
 1235 response to the request for relief with the special magistrate
 1236 ~~master~~ together with a copy to the owner. The response must set
 1237 forth in reasonable detail the position of the governmental
 1238 entity regarding the matters alleged by the owner. The response
 1239 must include a brief statement explaining the public purpose of
 1240 the regulations on which the development order or enforcement
 1241 action is based.

1242 (b) Any governmental entity that is added by the special
 1243 magistrate ~~master~~ as a party must file a response to the request
 1244 for relief prior to the hearing but not later than 15 days
 1245 following its admission.

1246 (c) Any party may incorporate in the response to the
 1247 request for relief a request to be dropped from the proceeding.
 1248 The request to be dropped must set forth facts and circumstances
 1249 relevant to aid the special magistrate ~~master~~ in ruling on the



1250 request. All requests to be dropped must be disposed of prior to
1251 conducting any hearings on the merits of the request for relief.

1252 (17) In all respects, the hearing must be informal and
1253 open to the public and does not require the use of an attorney.
1254 The hearing must operate at the direction and under the
1255 supervision of the special magistrate ~~master~~. The object of the
1256 hearing is to focus attention on the impact of the governmental
1257 action giving rise to the request for relief and to explore
1258 alternatives to the development order or enforcement action and
1259 other regulatory efforts by the governmental entities in order
1260 to recommend relief, when appropriate, to the owner.

1261 (a) The first responsibility of the special magistrate
1262 ~~master~~ is to facilitate a resolution of the conflict between the
1263 owner and governmental entities to the end that some
1264 modification of the owner's proposed use of the property or
1265 adjustment in the development order or enforcement action or
1266 regulatory efforts by one or more of the governmental parties
1267 may be reached. Accordingly, the special magistrate ~~master~~ shall
1268 act as a facilitator or mediator between the parties in an
1269 effort to effect a mutually acceptable solution. The parties
1270 shall be represented at the mediation by persons with authority
1271 to bind their respective parties to a solution, or by persons
1272 with authority to recommend a solution directly to the persons
1273 with authority to bind their respective parties to a solution.

1274 (b) If an acceptable solution is not reached by the
1275 parties after the special magistrate's ~~master's~~ attempt at
1276 mediation, the special magistrate ~~master~~ shall consider the
1277 facts and circumstances set forth in the request for relief and



1278 any responses and any other information produced at the hearing
1279 in order to determine whether the action by the governmental
1280 entity or entities is unreasonable or unfairly burdens the real
1281 property.

1282 (c) In conducting the hearing, the special magistrate
1283 ~~master~~ may hear from all parties and witnesses that are
1284 necessary to an understanding of the matter. The special
1285 magistrate ~~master~~ shall weigh all information offered at the
1286 hearing.

1287 (18) The circumstances to be examined in determining
1288 whether the development order or enforcement action, or the
1289 development order or enforcement action in conjunction with
1290 regulatory efforts of other governmental parties, is
1291 unreasonable or unfairly burdens use of the property may
1292 include, but are not limited to:

1293 (a) The history of the real property, including when it
1294 was purchased, how much was purchased, where it is located, the
1295 nature of the title, the composition of the property, and how it
1296 was initially used.

1297 (b) The history or development and use of the real
1298 property, including what was developed on the property and by
1299 whom, if it was subdivided and how and to whom it was sold,
1300 whether plats were filed or recorded, and whether infrastructure
1301 and other public services or improvements may have been
1302 dedicated to the public.

1303 (c) The history of environmental protection and land use
1304 controls and other regulations, including how and when the land



1305 was classified, how use was proscribed, and what changes in
 1306 classifications occurred.

1307 (d) The present nature and extent of the real property,
 1308 including its natural and altered characteristics.

1309 (e) The reasonable expectations of the owner at the time
 1310 of acquisition, or immediately prior to the implementation of
 1311 the regulation at issue, whichever is later, under the
 1312 regulations then in effect and under common law.

1313 (f) The public purpose sought to be achieved by the
 1314 development order or enforcement action, including the nature
 1315 and magnitude of the problem addressed by the underlying
 1316 regulations on which the development order or enforcement action
 1317 is based; whether the development order or enforcement action is
 1318 necessary to the achievement of the public purpose; and whether
 1319 there are alternative development orders or enforcement action
 1320 conditions that would achieve the public purpose and allow for
 1321 reduced restrictions on the use of the property.

1322 (g) Uses authorized for and restrictions placed on similar
 1323 property.

1324 (h) Any other information determined relevant by the
 1325 special magistrate ~~master~~.

1326 (19) Within 14 days after the conclusion of the hearing,
 1327 the special magistrate ~~master~~ shall prepare and file with all
 1328 parties a written recommendation.

1329 (a) If the special magistrate ~~master~~ finds that the
 1330 development order at issue, or the development order or
 1331 enforcement action in combination with the actions or
 1332 regulations of other governmental entities, is not unreasonable



1333 or does not unfairly burden the use of the owner's property, the
1334 special magistrate ~~master~~ must recommend that the development
1335 order or enforcement action remain undisturbed and the
1336 proceeding shall end, subject to the owner's retention of all
1337 other available remedies.

1338 (b) If the special magistrate ~~master~~ finds that the
1339 development order or enforcement action, or the development
1340 order or enforcement action in combination with the actions or
1341 regulations of other governmental entities, is unreasonable or
1342 unfairly burdens use of the owner's property, the special
1343 magistrate ~~master~~, with the owner's consent to proceed, may
1344 recommend one or more alternatives that protect the public
1345 interest served by the development order or enforcement action
1346 and regulations at issue but allow for reduced restraints on the
1347 use of the owner's real property, including, but not limited to:

1348 1. An adjustment of land development or permit standards
1349 or other provisions controlling the development or use of land.

1350 2. Increases or modifications in the density, intensity,
1351 or use of areas of development.

1352 3. The transfer of development rights.

1353 4. Land swaps or exchanges.

1354 5. Mitigation, including payments in lieu of onsite
1355 mitigation.

1356 6. Location on the least sensitive portion of the
1357 property.

1358 7. Conditioning the amount of development or use
1359 permitted.



1360 8. A requirement that issues be addressed on a more
 1361 comprehensive basis than a single proposed use or development.

1362 9. Issuance of the development order, a variance, special
 1363 exception, or other extraordinary relief, including withdrawal
 1364 of the enforcement action.

1365 10. Purchase of the real property, or an interest therein,
 1366 by an appropriate governmental entity.

1367 (c) This subsection does not prohibit the owner and
 1368 governmental entity from entering in to an agreement as to the
 1369 permissible use of the property prior to the special magistrate
 1370 ~~master~~ entering a recommendation. An agreement for a permissible
 1371 use must be incorporated in the special magistrate's ~~master's~~
 1372 recommendation.

1373 (20) The special magistrate's ~~master's~~ recommendation is a
 1374 public record under chapter 119. However, actions or statements
 1375 of all participants to the special magistrate ~~master~~ proceeding
 1376 are evidence of an offer to compromise and inadmissible in any
 1377 proceeding, judicial or administrative.

1378 (21) Within 45 days after receipt of the special
 1379 magistrate's ~~master's~~ recommendation, the governmental entity
 1380 responsible for the development order or enforcement action and
 1381 other governmental entities participating in the proceeding must
 1382 consult among themselves and each governmental entity must:

1383 (a) Accept the recommendation of the special magistrate
 1384 ~~master~~ as submitted and proceed to implement it by development
 1385 agreement, when appropriate, or by other method, in the ordinary
 1386 course and consistent with the rules and procedures of that
 1387 governmental entity. However, the decision of the governmental



1388 entity to accept the recommendation of the special magistrate
1389 ~~master~~ with respect to granting a modification, variance, or
1390 special exception to the application of statutes, rules,
1391 regulations, or ordinances as they would otherwise apply to the
1392 subject property does not require an owner to duplicate previous
1393 processes in which the owner has participated in order to
1394 effectuate the granting of the modification, variance, or
1395 special exception;

1396 (b) Modify the recommendation as submitted by the special
1397 magistrate ~~master~~ and proceed to implement it by development
1398 agreement, when appropriate, or by other method, in the ordinary
1399 course and consistent with the rules and procedures of that
1400 governmental entity; or

1401 (c) Reject the recommendation as submitted by the special
1402 magistrate ~~master~~. Failure to act within 45 days is a rejection
1403 unless the period is extended by agreement of the owner and
1404 issuer of the development order or enforcement action.

1405 (22) If a governmental entity accepts the special
1406 magistrate's ~~master's~~ recommendation or modifies it and the
1407 owner rejects the acceptance or modification, or if a
1408 governmental entity rejects the special magistrate's ~~master's~~
1409 recommendation, the governmental entity must issue a written
1410 decision within 30 days that describes as specifically as
1411 possible the use or uses available to the subject real property.

1412 (23) The procedure established by this section may not
1413 continue longer than 165 days, unless the period is extended by
1414 agreement of the parties. A decision describing available uses
1415 constitutes the last prerequisite to judicial action and the



1416 matter is ripe or final for subsequent judicial proceedings
1417 unless the owner initiates a proceeding under ss. 120.569 and
1418 120.57. If the owner brings a proceeding under ss. 120.569 and
1419 120.57, the matter is ripe when the proceeding culminates in a
1420 final order whether further appeal is available or not.

1421 (24) The procedure created by this section is not itself,
1422 nor does it create, a judicial cause of action. Once the
1423 governmental entity acts on the special magistrate's ~~master's~~
1424 recommendation, the owner may elect to file suit in a court of
1425 competent jurisdiction. Invoking the procedures of this section
1426 is not a condition precedent to filing a civil action.

1427 (25) Regardless of the action the governmental entity
1428 takes on the special magistrate's ~~master's~~ recommendation, a
1429 recommendation that the development order or enforcement action,
1430 or the development order or enforcement action in combination
1431 with other governmental regulatory actions, is unreasonable or
1432 unfairly burdens use of the owner's real property may serve as
1433 an indication of sufficient hardship to support modification,
1434 variances, or special exceptions to the application of statutes,
1435 rules, regulations, or ordinances to the subject property.

1436 (26) A special magistrate's ~~master's~~ recommendation under
1437 this section constitutes data in support of, and a support
1438 document for, a comprehensive plan or comprehensive plan
1439 amendment, but is not, in and of itself, dispositive of a
1440 determination of compliance with chapter 163. Any comprehensive
1441 plan amendment necessary to carry out the approved
1442 recommendation of a special magistrate ~~master~~ under this section
1443 is exempt from the twice-a-year limit on plan amendments and may



1444 be adopted by the local government amendments in s.
1445 163.3184(16)(d).

1446 (27) The special magistrate ~~master~~ shall send a copy of
1447 the recommendation in each case to the Department of Legal
1448 Affairs. Each governmental entity, within 15 days after its
1449 action on the special magistrate's ~~master's~~ recommendation,
1450 shall notify the Department of Legal Affairs in writing as to
1451 what action the governmental entity took on the special
1452 magistrate's ~~master's~~ recommendation.

1453 (28) Each governmental entity may establish procedural
1454 guidelines to govern the conduct of proceedings authorized by
1455 this section, which must include, but are not limited to,
1456 payment of special magistrate ~~master~~ fees and expenses,
1457 including the costs of providing notice and effecting service of
1458 the request for relief under this section, which shall be borne
1459 equally by the governmental entities and the owner.

1460 (29) This section shall be liberally construed to effect
1461 fully its obvious purposes and intent, and governmental entities
1462 shall direct all available resources and authorities to effect
1463 fully the obvious purposes and intent of this section in
1464 resolving disputes. Governmental entities are encouraged to
1465 expedite notice and time-related provisions to implement
1466 resolution of disputes under this section. The procedure
1467 established by this section may be used to resolve disputes in
1468 pending judicial proceedings, with the agreement of the parties
1469 to the judicial proceedings, and subject to the approval of the
1470 court in which the judicial proceedings are pending. The
1471 provisions of this section are cumulative, and do not supplant



1472 other methods agreed to by the parties and lawfully available
1473 for arbitration, mediation, or other forms of alternative
1474 dispute resolution.

1475 (30) This section applies only to development orders
1476 issued, modified, or amended, or to enforcement actions issued,
1477 on or after October 1, 1995.

1478 Section 59. Subsection (1) of section 92.142, Florida
1479 Statutes, is amended to read:

1480 92.142 Witnesses; pay.--

1481 (1) Witnesses in all cases, civil and criminal, in all
1482 courts, now or hereafter created, and witnesses summoned before
1483 any arbitrator or general or special magistrate appointed by the
1484 court ~~master in chancery~~ shall receive for each day's actual
1485 attendance \$5 and also 6 cents per mile for actual distance
1486 traveled to and from the courts. A witness in a criminal case
1487 required to appear in a county other than the county of his or
1488 her residence and residing more than 50 miles from the location
1489 of the trial shall be entitled to per diem and travel expenses
1490 at the same rate provided for state employees under s. 112.061,
1491 in lieu of any other witness fee at the discretion of the court.

1492 Section 60. Section 112.41, Florida Statutes, is amended
1493 to read:

1494 112.41 Contents of order of suspension; Senate select
1495 committee; special magistrate ~~examiner~~.--

1496 (1) The order of the Governor, in suspending any officer
1497 pursuant to the provisions of s. 7, Art. IV of the State
1498 Constitution, shall specify facts sufficient to advise both the



1499 officer and the Senate as to the charges made or the basis of
 1500 the suspension.

1501 (2) The Senate shall conduct a hearing in the manner
 1502 prescribed by rules of the Senate adopted for this purpose.

1503 (3) The Senate may provide for a select committee to be
 1504 appointed by the Senate in accordance with its rules for the
 1505 purpose of hearing the evidence and making its recommendation to
 1506 the Senate as to the removal or reinstatement of the suspended
 1507 officer.

1508 (4) The Senate may, in lieu of the use of a select
 1509 committee, appoint a ~~special examiner or a~~ special magistrate
 1510 ~~master~~ to receive the evidence and make recommendations to the
 1511 Senate.

1512 Section 61. Section 112.43, Florida Statutes, is amended
 1513 to read:

1514 112.43 Prosecution of suspension before Senate.--All
 1515 suspensions heard by the Senate, a select committee, or special
 1516 magistrate ~~master, or examiner~~ in accordance with rules of the
 1517 Senate shall be prosecuted by the Governor, the Governor's legal
 1518 staff, or an attorney designated by the Governor. Should the
 1519 Senate, or the select committee appointed by the Senate to hear
 1520 the evidence and to make recommendations, desire private
 1521 counsel, either the Senate or the select committee shall be
 1522 entitled to employ its own counsel for this purpose. Nothing
 1523 herein shall prevent the Senate or its select committee from
 1524 making its own investigation and presenting such evidence as its
 1525 investigation may reveal. The Governor may request the advice of
 1526 the Department of Legal Affairs relative to the suspension order



1527 prior to its issuance by the Governor. Following the issuance of
1528 the suspension order, either the Senate or the select committee
1529 may request the Department of Legal Affairs to provide counsel
1530 for the Senate to advise on questions of law or otherwise advise
1531 with the Senate or the select committee, but the Department of
1532 Legal Affairs shall not be required to prosecute before the
1533 Senate or the committee and shall, pursuant to the terms of this
1534 section, act as the legal adviser only.

1535 Section 62. Section 112.47, Florida Statutes, is amended
1536 to read:

1537 112.47 Hearing before Senate select committee;
1538 notice.--The Senate shall afford each suspended official a
1539 hearing before a select committee or special magistrate, ~~master,~~
1540 ~~or examiner,~~ and shall notify such suspended official of the
1541 time and place of the hearing sufficiently in advance thereof to
1542 afford such official an opportunity fully and adequately to
1543 prepare such defenses as the official may be advised are
1544 necessary and proper, and all such defenses may be presented by
1545 the official or by the official's attorney. In the furtherance
1546 of this provision the Senate shall adopt sufficient procedural
1547 rules to afford due process both to the Governor in the
1548 presentation of his or her evidence and to the suspended
1549 official, but in the absence of such adoption, this section
1550 shall afford a full and complete hearing, public in nature, as
1551 required by the State Constitution. However, nothing in this
1552 part shall prevent either the select committee or the Senate
1553 from conducting portions of the hearing in executive session if
1554 the Senate rules so provide.



1555 Section 63. Subsection (2) of section 162.03, Florida
1556 Statutes, is amended to read:

1557 162.03 Applicability.--

1558 (2) A charter county, a noncharter county, or a
1559 municipality may, by ordinance, adopt an alternate code
1560 enforcement system that ~~which~~ gives code enforcement boards or
1561 special magistrates ~~masters~~ designated by the local governing
1562 body, or both, the authority to hold hearings and assess fines
1563 against violators of the respective county or municipal codes
1564 and ordinances. A special magistrate ~~master~~ shall have the same
1565 status as an enforcement board under this chapter. References in
1566 this chapter to an enforcement board, except in s. 162.05, shall
1567 include a special magistrate ~~master~~ if the context permits.

1568 Section 64. Subsection (5) of section 162.06, Florida
1569 Statutes, is amended to read:

1570 162.06 Enforcement procedure.--

1571 (5) If the owner of property that ~~which~~ is subject to an
1572 enforcement proceeding before an enforcement board, special
1573 magistrate ~~master~~, or court transfers ownership of such property
1574 between the time the initial pleading was served and the time of
1575 the hearing, such owner shall:

1576 (a) Disclose, in writing, the existence and the nature of
1577 the proceeding to the prospective transferee.

1578 (b) Deliver to the prospective transferee a copy of the
1579 pleadings, notices, and other materials relating to the code
1580 enforcement proceeding received by the transferor.

1581 (c) Disclose, in writing, to the prospective transferee
1582 that the new owner will be responsible for compliance with the



1583 applicable code and with orders issued in the code enforcement
 1584 proceeding.

1585 (d) File a notice with the code enforcement official of
 1586 the transfer of the property, with the identity and address of
 1587 the new owner and copies of the disclosures made to the new
 1588 owner, within 5 days after the date of the transfer.

1589
 1590 A failure to make the disclosures described in paragraphs (a),
 1591 (b), and (c) before the transfer creates a rebuttable
 1592 presumption of fraud. If the property is transferred before the
 1593 hearing, the proceeding shall not be dismissed, but the new
 1594 owner shall be provided a reasonable period of time to correct
 1595 the violation before the hearing is held.

1596 Section 65. Paragraph (d) of subsection (2) of section
 1597 162.09, Florida Statutes, is amended to read:

1598 162.09 Administrative fines; costs of repair; liens.--

1599 (2)

1600 (d) A county or a municipality having a population equal
 1601 to or greater than 50,000 may adopt, by a vote of at least a
 1602 majority plus one of the entire governing body of the county or
 1603 municipality, an ordinance that gives code enforcement boards or
 1604 special magistrates ~~masters~~, or both, authority to impose fines
 1605 in excess of the limits set forth in paragraph (a). Such fines
 1606 shall not exceed \$1,000 per day per violation for a first
 1607 violation, \$5,000 per day per violation for a repeat violation,
 1608 and up to \$15,000 per violation if the code enforcement board or
 1609 special magistrate ~~master~~ finds the violation to be irreparable
 1610 or irreversible in nature. In addition to such fines, a code



1611 enforcement board or special magistrate ~~master~~ may impose
 1612 additional fines to cover all costs incurred by the local
 1613 government in enforcing its codes and all costs of repairs
 1614 pursuant to subsection (1). Any ordinance imposing such fines
 1615 shall include criteria to be considered by the code enforcement
 1616 board or special magistrate ~~master~~ in determining the amount of
 1617 the fines, including, but not limited to, those factors set
 1618 forth in paragraph (b).

1619 Section 66. Section 173.09, Florida Statutes, is amended
 1620 to read:

1621 173.09 Judgment for complainant; special magistrate's
 1622 ~~master's~~ sale; complainant may purchase and later sell.--

1623 (1) Any such decree shall direct the special magistrate
 1624 ~~master~~ thereby appointed to sell the several parcels of land
 1625 separately to the highest and best bidder for cash (or, at the
 1626 option of complainant, to the extent of special assessments
 1627 included in such judgment, for bonds or interest coupons issued
 1628 by complainant), at public outcry at the courthouse door of the
 1629 county in which such suit is pending, or at such point or place
 1630 in the complainant municipality as the court in such final
 1631 decree may direct, after having advertised such sale (which
 1632 advertisement may include all lands so ordered sold) once each
 1633 week for 2 consecutive weeks in some newspaper published in the
 1634 municipality ~~city or town~~ in which ~~is~~ the complainant arose or,
 1635 if there is no such newspaper, in a newspaper published in the
 1636 county in which the suit is pending, and if all the lands so
 1637 advertised for sale be not sold on the day specified in such



1638 advertisement, such sale shall be continued from day to day
 1639 until the sale of all such land is completed.

1640 (2) Such sales shall be subject to confirmation by the
 1641 court, and the ~~said~~ special magistrate ~~master~~ shall, upon
 1642 confirmation of the sale or sales, deliver to the purchaser or
 1643 purchasers at said sale a deed of conveyance of the property so
 1644 sold; provided, however, that in any case where any lands are
 1645 offered for sale by the special magistrate ~~master~~ and the sum of
 1646 the tax, tax certificates and special assessments, interest,
 1647 penalty, costs, and attorney's fee is not bid for the same, the
 1648 complainant may bid the whole amount due and the special
 1649 magistrate ~~master~~ shall thereupon convey such parcel or parcels
 1650 of land to the complainant.

1651 (3) The property so bid in by complainant shall become its
 1652 property in fee simple and may be disposed of by it in the
 1653 manner provided by law, except that in the sale or disposition
 1654 of any such lands the municipality ~~city or town~~ may, in its
 1655 discretion, accept in payment or part payment therefor any bonds
 1656 or interest coupons constituting liabilities of the municipality
 1657 ~~said city or town~~.

1658 Section 67. Section 173.10, Florida Statutes, is amended
 1659 to read:

1660 173.10 Judgment for complainant; court may order payment
 1661 of other taxes or sale subject to taxes; special magistrate's
 1662 ~~master's~~ conveyances.--

1663 (1) In the judgment or decree the court may, in its
 1664 discretion, direct the payment of all unpaid state and county
 1665 taxes and also all unpaid municipal ~~city or town~~ taxes and



1666 special assessments or installments thereof, imposed or falling
 1667 due since the institution of the suit, with the penalties and
 1668 costs, out of the proceeds of such foreclosure sale, or it may
 1669 order and direct such sale or sales to be made subject to such
 1670 state, ~~and county,~~ and municipal ~~city or town~~ taxes and special
 1671 assessments.

1672 (2) Any and all conveyances by the special magistrate
 1673 ~~master~~ shall vest in the purchaser the fee simple title to the
 1674 property so sold, subject only to such liens for state and
 1675 county taxes or taxing districts whose liens are of equal
 1676 dignity, and liens for municipal taxes and special assessments,
 1677 or installments thereof, as are not directed by the decree of
 1678 sale to be paid out of the proceeds of said sale.

1679 Section 68. Section 173.11, Florida Statutes, is amended
 1680 to read:

1681 173.11 Distribution of proceeds of sale.--The proceeds of
 1682 any foreclosure sale authorized by this chapter shall be
 1683 distributed by the special magistrate ~~master~~ conducting the sale
 1684 according to the final decree, and if any surplus remains after
 1685 the payment of the full amount of the decree, costs and
 1686 attorney's fees, and any subsequent tax liens that ~~which~~ may be
 1687 directed by such decree to be paid from the proceeds of sale,
 1688 such surplus shall be deposited with the clerk of the court and
 1689 disbursed under order of the court.

1690 Section 69. Section 173.12, Florida Statutes, is amended
 1691 to read:

1692 173.12 Lands may be redeemed prior to sale.--Any person
 1693 interested in any lands included in the suit may redeem such



1694 lands at any time prior to the sale thereof by the special
1695 magistrate ~~master~~ by paying into the registry of the court the
1696 amount due for delinquent taxes, interest and penalties thereon,
1697 and such proportionate part of the expense, attorney's fees, and
1698 costs of suit as may have been fixed by the court in its decree
1699 of sale, or by written stipulation of complainant, and thereupon
1700 such lands shall be dismissed from the cause.

1701 Section 70. Subsection (1) of section 194.013, Florida
1702 Statutes, is amended to read:

1703 194.013 Filing fees for petitions; disposition; waiver.--

1704 (1) If so required by resolution of the value adjustment
1705 board, a petition filed pursuant to s. 194.011 shall be
1706 accompanied by a filing fee to be paid to the clerk of the value
1707 adjustment board in an amount determined by the board not to
1708 exceed \$15 for each separate parcel of property, real or
1709 personal, covered by the petition and subject to appeal.

1710 However, no such filing fee may be required with respect to an
1711 appeal from the disapproval of homestead exemption under s.
1712 196.151 or from the denial of tax deferral under s. 197.253.

1713 Only a single filing fee shall be charged under this section as
1714 to any particular parcel of property despite the existence of
1715 multiple issues and hearings pertaining to such parcel. For
1716 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a
1717 single filing fee shall be charged. Such fee shall be calculated
1718 as the cost of the special magistrate ~~master~~ for the time
1719 involved in hearing the joint petition and shall not exceed \$5
1720 per parcel. Said fee is to be proportionately paid by affected
1721 parcel owners.



1722 Section 71. Paragraph (d) of subsection (1) and
1723 subsections (2) and (6) of section 194.034, Florida Statutes,
1724 are amended to read:

1725 194.034 Hearing procedures; rules.--

1726 (1)

1727 (d) Notwithstanding the provisions of this subsection, no
1728 petitioner may present for consideration, nor may a board or
1729 special magistrate ~~master~~ accept for consideration, testimony or
1730 other evidentiary materials that were requested of the
1731 petitioner in writing by the property appraiser of which the
1732 petitioner had knowledge and denied to the property appraiser.

1733 (2) In each case, except when a complaint is withdrawn by
1734 the petitioner or is acknowledged as correct by the property
1735 appraiser, the value adjustment board shall render a written
1736 decision. All such decisions shall be issued within 20 calendar
1737 days after ~~of~~ the last day the board is in session under s.
1738 194.032. The decision of the board shall contain findings of
1739 fact and conclusions of law and shall include reasons for
1740 upholding or overturning the determination of the property
1741 appraiser. When a special magistrate ~~master~~ has been appointed,
1742 the recommendations of the special magistrate ~~master~~ shall be
1743 considered by the board. The clerk, upon issuance of the
1744 decisions, shall, on a form provided by the Department of
1745 Revenue, notify by first-class mail each taxpayer, the property
1746 appraiser, and the department of the decision of the board.

1747 (6) For purposes of hearing joint petitions filed pursuant
1748 to s. 194.011(3)(e), each included parcel shall be considered by
1749 the board as a separate petition. Such separate petitions shall



1750 be heard consecutively by the board. If a special magistrate
1751 ~~master~~ is appointed, such separate petitions shall all be
1752 assigned to the same special magistrate ~~master~~.

1753 Section 72. Section 194.035, Florida Statutes, is amended
1754 to read:

1755 194.035 Special magistrates ~~masters~~; property
1756 evaluators.--

1757 (1) In counties having a population of more than 75,000,
1758 the board shall appoint special magistrates ~~masters~~ for the
1759 purpose of taking testimony and making recommendations to the
1760 board, which recommendations the board may act upon without
1761 further hearing. These ~~Such~~ special magistrates ~~masters~~ may not
1762 be elected or appointed officials or employees of the county but
1763 shall be selected from a list of those qualified individuals who
1764 are willing to serve as special magistrates ~~masters~~. Employees
1765 and elected or appointed officials of a taxing jurisdiction or
1766 of the state may not serve as special magistrates ~~masters~~. The
1767 clerk of the board shall annually notify such individuals or
1768 their professional associations to make known to them that
1769 opportunities to serve as special magistrates ~~masters~~ exist. The
1770 Department of Revenue shall provide a list of qualified special
1771 magistrates ~~masters~~ to any county with a population of 75,000 or
1772 less. Subject to appropriation, the department shall reimburse
1773 counties with a population of 75,000 or less for payments made
1774 to special magistrates ~~masters~~ appointed for the purpose of
1775 taking testimony and making recommendations to the value
1776 adjustment board pursuant to this section. The department shall
1777 establish a reasonable range for payments per case to special



1778 magistrates ~~masters~~ based on such payments in other counties.
1779 Requests for reimbursement of payments outside this range shall
1780 be justified by the county. If the total of all requests for
1781 reimbursement in any year exceeds the amount available pursuant
1782 to this section, payments to all counties shall be prorated
1783 accordingly. A special magistrate ~~master~~ appointed to hear
1784 issues of exemptions and classifications shall be a member of
1785 The Florida Bar with no less than 5 years' experience in the
1786 area of ad valorem taxation. A special magistrate ~~master~~
1787 appointed to hear issues regarding the valuation of real estate
1788 shall be a state certified real estate appraiser with not less
1789 than 5 years' experience in real property valuation. A special
1790 magistrate ~~master~~ appointed to hear issues regarding the
1791 valuation of tangible personal property shall be a designated
1792 member of a nationally recognized appraiser's organization with
1793 not less than 5 years' experience in tangible personal property
1794 valuation. A special magistrate ~~master~~ need not be a resident of
1795 the county in which he or she serves. A ~~No~~ special magistrate
1796 may not ~~master shall be permitted to~~ represent a person before
1797 the board in any tax year during which he or she has served that
1798 board as a special magistrate ~~master~~. The board shall appoint
1799 special magistrates ~~such masters~~ from the list so compiled prior
1800 to convening of the board. The expense of hearings before
1801 special magistrates ~~masters~~ and any compensation of special
1802 magistrates ~~masters~~ shall be borne three-fifths by the board of
1803 county commissioners and two-fifths by the school board.
1804 (2) The value adjustment board of each county may employ
1805 qualified property appraisers or evaluators to appear before the



1806 value adjustment board at that meeting of the board which is
 1807 held for the purpose of hearing complaints. Such property
 1808 appraisers or evaluators shall present testimony as to the just
 1809 value of any property the value of which is contested before the
 1810 board and shall submit to examination by the board, the
 1811 taxpayer, and the property appraiser.

1812 Section 73. Section 206.16, Florida Statutes, is amended
 1813 to read:

1814 206.16 Officer selling property.--

1815 (1) No sheriff, receiver, assignee, general or special
 1816 magistrate ~~master~~, or other officer shall sell the property or
 1817 franchise of any person for failure to pay fuel taxes,
 1818 penalties, or interest without first filing with the department
 1819 a statement containing the following information:

1820 (a) The name of the plaintiff or party at whose instance
 1821 or upon whose account the sale is made. ;

1822 (b) The name of the person whose property or franchise is
 1823 to be sold. ;

1824 (c) The time and place of sale. ; ~~and~~

1825 (d) The nature of the property and the location of the
 1826 same.

1827 (2) The department, after receiving notice as aforesaid,
 1828 shall furnish to the sheriff, receiver, trustee, assignee,
 1829 general or special magistrate ~~master~~, or other officer having
 1830 charge of the sale a certified copy or copies of all fuel taxes,
 1831 penalties, and interest on file in the office of the department
 1832 as liens against such person, and, in the event there are no
 1833 such liens, a certificate showing that fact, which certified



1834 copies or copy of certificate shall be publicly read by such
1835 officer at and immediately before the sale of the property or
1836 franchise of such person.

1837 Section 74. Section 207.016, Florida Statutes, is amended
1838 to read:

1839 207.016 Officer's sale of property or franchise.--

1840 (1) No sheriff, receiver, assignee, general or special
1841 magistrate ~~master~~, or other officer shall sell the property or
1842 franchise of any person for failure to pay taxes, penalties, or
1843 interest without first filing with the department a statement
1844 containing the following information:

1845 (a) The name of the plaintiff or party at whose instance
1846 or upon whose account the sale is made.

1847 (b) The name of the person whose property or franchise is
1848 to be sold.

1849 (c) The time and place of sale.

1850 (d) The nature of the property and the location of the
1851 same.

1852 (2) The department, after receiving notice as provided in
1853 subsection (1), shall furnish to the sheriff, receiver, trustee,
1854 assignee, general or special magistrate ~~master~~, or other officer
1855 having charge of the sale a certified copy or copies of all
1856 taxes, penalties, and interest on file in the office of the
1857 department as liens against such person and, in the event there
1858 are no such liens, a certificate showing that fact, which
1859 certified copy or copies of certificate shall be publicly read
1860 by such officer at and immediately before the sale of the
1861 property or franchise of such person.



1862 Section 75. Section 320.411, Florida Statutes, is amended
 1863 to read:

1864 320.411 Officer's sale of property or franchise.--

1865 (1) No sheriff, receiver, assignee, general or special
 1866 magistrate ~~master~~, or other officer shall sell the property or
 1867 franchise of any motor carrier for failure to pay taxes,
 1868 penalties, or interest without first filing with the department
 1869 a statement containing the following information:

1870 (a) The name of the plaintiff or party at whose instance
 1871 or upon whose account the sale is made.

1872 (b) The name of the motor carrier whose property or
 1873 franchise is to be sold.

1874 (c) The time and place of sale.

1875 (d) The nature of the property and the location of the
 1876 same.

1877 (2) The department, after receiving notice as provided in
 1878 subsection (1), shall furnish to the sheriff, receiver, trustee,
 1879 assignee, general or special magistrate ~~master~~, or other officer
 1880 having charge of the sale a certified copy of all taxes,
 1881 penalties, and interest on file in the office of the department
 1882 as liens against such motor carrier and, in the event there are
 1883 no such liens, a certificate showing that fact, which certified
 1884 copy or copies of certificate shall be publicly read by such
 1885 officer at and immediately before the sale of the property or
 1886 franchise of such motor carrier.

1887 Section 76. Subsection (7) of section 393.11, Florida
 1888 Statutes, is amended to read:

1889 393.11 Involuntary admission to residential services.--



1890 (7) HEARING.--

1891 (a) The hearing for involuntary admission shall be
 1892 conducted, and the order shall be entered, in the county in
 1893 which the person is residing or be as convenient to the person
 1894 as may be consistent with orderly procedure. The hearing shall
 1895 be conducted in a physical setting not likely to be injurious to
 1896 the person's condition.

1897 (b) A hearing on the petition shall be held as soon as
 1898 practicable after the petition is filed, but reasonable delay
 1899 for the purpose of investigation, discovery, or procuring
 1900 counsel or witnesses shall be granted.

1901 (c) The court may appoint a general or special magistrate
 1902 ~~master~~ to preside. Except as otherwise specified, the
 1903 magistrate's ~~master's~~ proceeding shall be governed by Rule
 1904 1.490, Florida Rules of Civil Procedure.

1905 (d) The person with mental retardation shall be physically
 1906 present throughout the entire proceeding. If the person's
 1907 attorney believes that the person's presence at the hearing is
 1908 not in the person's best interest, the person's presence may be
 1909 waived once the court has seen the person and the hearing has
 1910 commenced.

1911 (e) The person shall have the right to present evidence
 1912 and to cross-examine all witnesses and other evidence alleging
 1913 the appropriateness of the person's admission to residential
 1914 care. Other relevant and material evidence regarding the
 1915 appropriateness of the person's admission to residential
 1916 services; the most appropriate, least restrictive residential
 1917 placement; and the appropriate care, treatment, and habilitation



1918 of the person, including written or oral reports, may be
 1919 introduced at the hearing by any interested person.

1920 (f) The petitioning commission may be represented by
 1921 counsel at the hearing. The petitioning commission shall have
 1922 the right to call witnesses, present evidence, cross-examine
 1923 witnesses, and present argument on behalf of the petitioning
 1924 commission.

1925 (g) All evidence shall be presented according to chapter
 1926 90. The burden of proof shall be on the party alleging the
 1927 appropriateness of the person's admission to residential
 1928 services. The burden of proof shall be by clear and convincing
 1929 evidence.

1930 (h) All stages of each proceeding shall be
 1931 stenographically reported.

1932 Section 77. Subsections (6) and (7) of section 394.467,
 1933 Florida Statutes, are amended to read:

1934 394.467 Involuntary placement.--

1935 (6) HEARING ON INVOLUNTARY PLACEMENT.--

1936 (a)1. The court shall hold the hearing on involuntary
 1937 placement within 5 days, unless a continuance is granted. The
 1938 hearing shall be held in the county where the patient is located
 1939 and shall be as convenient to the patient as may be consistent
 1940 with orderly procedure and shall be conducted in physical
 1941 settings not likely to be injurious to the patient's condition.
 1942 If the court finds that the patient's attendance at the hearing
 1943 is not consistent with the best interests of the patient, and
 1944 the patient's counsel does not object, the court may waive the
 1945 presence of the patient from all or any portion of the hearing.



1946 The state attorney for the circuit in which the patient is
1947 located shall represent the state, rather than the petitioning
1948 facility administrator, as the real party in interest in the
1949 proceeding.

1950 2. The court may appoint a general or special magistrate
1951 ~~master~~ to preside at the hearing. One of the professionals who
1952 executed the involuntary placement certificate shall be a
1953 witness. The patient and the patient's guardian or
1954 representative shall be informed by the court of the right to an
1955 independent expert examination. If the patient cannot afford
1956 such an examination, the court shall provide for one. The
1957 independent expert's report shall be confidential and not
1958 discoverable, unless the expert is to be called as a witness for
1959 the patient at the hearing. The testimony in the hearing must be
1960 given under oath, and the proceedings must be recorded. The
1961 patient may refuse to testify at the hearing.

1962 (b) If the court concludes that the patient meets the
1963 criteria for involuntary placement, it shall order that the
1964 patient be transferred to a treatment facility or, if the
1965 patient is at a treatment facility, that the patient be retained
1966 there or be treated at any other appropriate receiving or
1967 treatment facility, or that the patient receive services from a
1968 receiving or treatment facility, on an involuntary basis, for a
1969 period of up to 6 months. The order shall specify the nature and
1970 extent of the patient's mental illness. The facility shall
1971 discharge a patient any time the patient no longer meets the
1972 criteria for involuntary placement, unless the patient has
1973 transferred to voluntary status.



1974 (c) If at any time prior to the conclusion of the hearing
 1975 on involuntary placement it appears to the court that the person
 1976 does not meet the criteria for involuntary placement under this
 1977 chapter, but instead meets the criteria for involuntary
 1978 assessment, protective custody, or involuntary admission
 1979 pursuant to s. 397.675, then the court may order the person to
 1980 be admitted for involuntary assessment for a period of 5 days
 1981 pursuant to s. 397.6811. Thereafter, all proceedings shall be
 1982 governed by chapter 397.

1983 (d) At the hearing on involuntary placement, the court
 1984 shall consider testimony and evidence regarding the patient's
 1985 competence to consent to treatment. If the court finds that the
 1986 patient is incompetent to consent to treatment, it shall appoint
 1987 a guardian advocate as provided in s. 394.4598.

1988 (e) The administrator of the receiving facility shall
 1989 provide a copy of the court order and adequate documentation of
 1990 a patient's mental illness to the administrator of a treatment
 1991 facility whenever a patient is ordered for involuntary
 1992 placement, whether by civil or criminal court. Such
 1993 documentation shall include any advance directives made by the
 1994 patient, a psychiatric evaluation of the patient, and any
 1995 evaluations of the patient performed by a clinical psychologist
 1996 or a clinical social worker. The administrator of a treatment
 1997 facility may refuse admission to any patient directed to its
 1998 facilities on an involuntary basis, whether by civil or criminal
 1999 court order, who is not accompanied at the same time by adequate
 2000 orders and documentation.

2001 (7) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.--



2002 (a) Hearings on petitions for continued involuntary
2003 placement shall be administrative hearings and shall be
2004 conducted in accordance with the provisions of s. 120.57(1),
2005 except that any order entered by the administrative law judge
2006 ~~hearing officer~~ shall be final and subject to judicial review in
2007 accordance with s. 120.68. Orders concerning patients committed
2008 after successfully pleading not guilty by reason of insanity
2009 shall be governed by the provisions of s. 916.15.

2010 (b) If the patient continues to meet the criteria for
2011 involuntary placement, the administrator shall, prior to the
2012 expiration of the period during which the treatment facility is
2013 authorized to retain the patient, file a petition requesting
2014 authorization for continued involuntary placement. The request
2015 shall be accompanied by a statement from the patient's physician
2016 or clinical psychologist justifying the request, a brief
2017 description of the patient's treatment during the time he or she
2018 was involuntarily placed, and an individualized plan of
2019 continued treatment. Notice of the hearing shall be provided as
2020 set forth in s. 394.4599. If at the hearing the administrative
2021 law judge ~~hearing officer~~ finds that attendance at the hearing
2022 is not consistent with the best interests of the patient, the
2023 administrative law judge ~~hearing officer~~ may waive the presence
2024 of the patient from all or any portion of the hearing, unless
2025 the patient, through counsel, objects to the waiver of presence.
2026 The testimony in the hearing must be under oath, and the
2027 proceedings must be recorded.

2028 (c) Unless the patient is otherwise represented or is
2029 ineligible, he or she shall be represented at the hearing on the



2030 petition for continued involuntary placement by the public
 2031 defender of the circuit in which the facility is located.

2032 (d) If at a hearing it is shown that the patient continues
 2033 to meet the criteria for involuntary placement, the
 2034 administrative law judge shall sign the order for continued
 2035 involuntary placement for a period not to exceed 6 months. The
 2036 same procedure shall be repeated prior to the expiration of each
 2037 additional period the patient is retained.

2038 (e) If continued involuntary placement is necessary for a
 2039 patient admitted while serving a criminal sentence, but whose
 2040 sentence is about to expire, or for a patient involuntarily
 2041 placed while a minor but who is about to reach the age of 18,
 2042 the administrator shall petition the administrative law judge
 2043 for an order authorizing continued involuntary placement.

2044 (f) If the patient has been previously found incompetent
 2045 to consent to treatment, the administrative law judge ~~hearing~~
 2046 ~~officer~~ shall consider testimony and evidence regarding the
 2047 patient's competence. If the administrative law judge ~~hearing~~
 2048 ~~officer~~ finds evidence that the patient is now competent to
 2049 consent to treatment, the administrative law judge ~~hearing~~
 2050 ~~officer~~ may issue a recommended order to the court that found
 2051 the patient incompetent to consent to treatment that the
 2052 patient's competence be restored and that any guardian advocate
 2053 previously appointed be discharged.

2054 Section 78. Subsection (7) of section 397.311, Florida
 2055 Statutes, is amended to read:

2056 397.311 Definitions.--As used in this chapter, except part
 2057 VIII:



2058 (7) "Court" means, with respect to all involuntary
 2059 proceedings under this chapter, the circuit court of the county
 2060 in which the judicial proceeding is pending or where the
 2061 substance abuse impaired person resides or is located, and
 2062 includes any general or special magistrate ~~master~~ that may be
 2063 appointed by the chief judge to preside over all or part of such
 2064 proceeding. Otherwise, "court" refers to the court of legal
 2065 jurisdiction in the context in which the term is used in this
 2066 chapter.

2067 Section 79. Subsection (1) of section 397.681, Florida
 2068 Statutes, is amended to read:

2069 397.681 Involuntary petitions; general provisions; court
 2070 jurisdiction and right to counsel.--

2071 (1) JURISDICTION.--The courts have jurisdiction of
 2072 involuntary assessment and stabilization petitions and
 2073 involuntary treatment petitions for substance abuse impaired
 2074 persons, and such petitions must be filed with the clerk of the
 2075 court in the county where the person is located. The chief judge
 2076 may appoint a general or special magistrate ~~master~~ to preside
 2077 over all or part of the proceedings. The alleged impaired person
 2078 is named as the respondent.

2079 Section 80. Subsection (5) of section 447.207, Florida
 2080 Statutes, is amended to read:

2081 447.207 Commission; powers and duties.--

2082 (5) The commission shall adopt rules as to the
 2083 qualifications of persons who may serve as mediators and special
 2084 magistrates ~~masters~~ and shall maintain lists of such qualified
 2085 persons who are not employees of the commission. The commission



2086 may initiate dispute resolution procedures by special
2087 magistrates ~~masters~~, pursuant to the provisions of this part.

2088 Section 81. Subsections (2), (3), and (4) of section
2089 447.403, Florida Statutes, are amended to read:

2090 447.403 Resolution of impasses.--

2091 (2)(a) If no mediator is appointed, or upon the request of
2092 either party, the commission shall appoint, and submit all
2093 unresolved issues to, a special magistrate ~~master~~ acceptable to
2094 both parties. If the parties are unable to agree on the
2095 appointment of a special magistrate ~~master~~, the commission shall
2096 appoint, in its discretion, a qualified special magistrate
2097 ~~master~~. However, if the parties agree in writing to waive the
2098 appointment of a special magistrate ~~master~~, the parties may
2099 proceed directly to resolution of the impasse by the legislative
2100 body pursuant to paragraph (4)(d). Nothing in this section
2101 precludes the parties from using the services of a mediator at
2102 any time during the conduct of collective bargaining.

2103 (b) If the Governor is the public employer, no special
2104 magistrate ~~master~~ shall be appointed. The parties may proceed
2105 directly to the Legislature for resolution of the impasse
2106 pursuant to paragraph (4)(d).

2107 (3) The special magistrate ~~master~~ shall hold hearings in
2108 order to define the area or areas of dispute, to determine facts
2109 relating to the dispute, and to render a decision on any and all
2110 unresolved contract issues. The hearings shall be held at times,
2111 dates, and places to be established by the special magistrate
2112 ~~master~~ in accordance with rules promulgated by the commission.
2113 The special magistrate ~~master~~ shall be empowered to administer



2114 oaths and issue subpoenas on behalf of the parties to the
2115 dispute or on his or her own behalf. Within 15 calendar days
2116 after the close of the final hearing, the special magistrate
2117 ~~master~~ shall transmit his or her recommended decision to the
2118 commission and to the representatives of both parties by
2119 registered mail, return receipt requested. Such recommended
2120 decision shall be discussed by the parties, and each
2121 recommendation of the special magistrate ~~master~~ shall be deemed
2122 approved by both parties unless specifically rejected by either
2123 party by written notice filed with the commission within 20
2124 calendar days after the date the party received the special
2125 magistrate's ~~master's~~ recommended decision. The written notice
2126 shall include a statement of the cause for each rejection and
2127 shall be served upon the other party.

2128 (4) If either the public employer or the employee
2129 organization does not accept, in whole or in part, the
2130 recommended decision of the special magistrate ~~master~~:

2131 (a) The chief executive officer of the governmental entity
2132 involved shall, within 10 days after rejection of a
2133 recommendation of the special magistrate ~~master~~, submit to the
2134 legislative body of the governmental entity involved a copy of
2135 the findings of fact and recommended decision of the special
2136 magistrate ~~master~~, together with the chief executive officer's
2137 recommendations for settling the disputed impasse issues. The
2138 chief executive officer shall also transmit his or her
2139 recommendations to the employee organization.†



2140 (b) The employee organization shall submit its
2141 recommendations for settling the disputed impasse issues to such
2142 legislative body and to the chief executive officer. ;

2143 (c) The legislative body or a duly authorized committee
2144 thereof shall forthwith conduct a public hearing at which the
2145 parties shall be required to explain their positions with
2146 respect to the rejected recommendations of the special
2147 magistrate ~~master~~. ;

2148 (d) Thereafter, the legislative body shall take such
2149 action as it deems to be in the public interest, including the
2150 interest of the public employees involved, to resolve all
2151 disputed impasse issues. ; ~~and~~

2152 (e) Following the resolution of the disputed impasse
2153 issues by the legislative body, the parties shall reduce to
2154 writing an agreement which includes those issues agreed to by
2155 the parties and those disputed impasse issues resolved by the
2156 legislative body's action taken pursuant to paragraph (d). The
2157 agreement shall be signed by the chief executive officer and the
2158 bargaining agent and shall be submitted to the public employer
2159 and to the public employees who are members of the bargaining
2160 unit for ratification. If such agreement is not ratified by all
2161 parties, pursuant to the provisions of s. 447.309, the
2162 legislative body's action taken pursuant to the provisions of
2163 paragraph (d) shall take effect as of the date of such
2164 legislative body's action for the remainder of the first fiscal
2165 year which was the subject of negotiations; however, the
2166 legislative body's action shall not take effect with respect to
2167 those disputed impasse issues which establish the language of



2168 contractual provisions which could have no effect in the absence
 2169 of a ratified agreement, including, but not limited to,
 2170 preambles, recognition clauses, and duration clauses.

2171 Section 82. Section 447.405, Florida Statutes, is amended
 2172 to read:

2173 447.405 Factors to be considered by the special magistrate
 2174 ~~master~~.--The special magistrate ~~master~~ shall conduct the
 2175 hearings and render recommended decisions with the objective of
 2176 achieving a prompt, peaceful, and just settlement of disputes
 2177 between the public employee organizations and the public
 2178 employers. The factors, among others, to be given weight by the
 2179 special magistrate ~~master~~ in arriving at a recommended decision
 2180 shall include:

2181 (1) Comparison of the annual income of employment of the
 2182 public employees in question with the annual income of
 2183 employment maintained for the same or similar work of employees
 2184 exhibiting like or similar skills under the same or similar
 2185 working conditions in the local operating area involved.

2186 (2) Comparison of the annual income of employment of the
 2187 public employees in question with the annual income of
 2188 employment of public employees in similar public employee
 2189 governmental bodies of comparable size within the state.

2190 (3) The interest and welfare of the public.

2191 (4) Comparison of peculiarities of employment in regard to
 2192 other trades or professions, specifically with respect to:

- 2193 (a) Hazards of employment.
- 2194 (b) Physical qualifications.
- 2195 (c) Educational qualifications.



- 2196 (d) Intellectual qualifications.
- 2197 (e) Job training and skills.
- 2198 (f) Retirement plans.
- 2199 (g) Sick leave.
- 2200 (h) Job security.
- 2201 (5) Availability of funds.

2202 Section 83. Section 447.407, Florida Statutes, is amended
 2203 to read:

2204 447.407 Compensation of mediator and special magistrate
 2205 ~~master~~; expenses.--The compensation of the mediator and special
 2206 magistrate ~~master~~, and all stenographic and other expenses,
 2207 shall be borne equally by the parties.

2208 Section 84. Section 447.409, Florida Statutes, is amended
 2209 to read:

2210 447.409 Records.--All records that ~~which~~ are relevant to,
 2211 or have a bearing upon, any issue or issues raised by the
 2212 proceedings conducted by the special magistrate ~~master~~ shall be
 2213 made available to the special magistrate ~~master~~ by a request in
 2214 writing to any of the parties to the impasse proceedings.
 2215 Notice of such request must ~~shall~~ be furnished to all parties.
 2216 Any such records that ~~which~~ are made available to the special
 2217 magistrate ~~master~~ must ~~shall~~ also be made available to any other
 2218 party to the impasse proceedings, upon written request.

2219 Section 85. Subsections (1), (2), (3), (4), (5), and (6)
 2220 of section 475.011, Florida Statutes, are amended to read:

2221 475.011 Exemptions.--This part does not apply to:

- 2222 (1) Any person acting as an attorney in fact for the
- 2223 purpose of the execution of contracts or conveyances only; as an



2224 attorney at law within the scope of her or his duties as such;
 2225 as a certified public accountant, as defined in chapter 473,
 2226 within the scope of her or his duties as such; as the personal
 2227 representative, receiver, trustee, or general or special
 2228 magistrate ~~master~~ under, or by virtue of, an appointment by will
 2229 or by order of a court of competent jurisdiction; or as trustee
 2230 under a deed of trust, or under a trust agreement, the ultimate
 2231 purpose and intent whereof is charitable, is philanthropic, or
 2232 provides for those having a natural right to the bounty of the
 2233 donor or trustor.†

2234 (2) Any individual, corporation, partnership, trust, joint
 2235 venture, or other entity which sells, exchanges, or leases its
 2236 own real property; however, this exemption shall not be
 2237 available if and to the extent that an agent, employee, or
 2238 independent contractor paid a commission or other compensation
 2239 strictly on a transactional basis is employed to make sales,
 2240 exchanges, or leases to or with customers in the ordinary course
 2241 of an owner's business of selling, exchanging, or leasing real
 2242 property to the public.†

2243 (3) Any employee of a public utility, a rural electric
 2244 cooperative, a railroad, or a state or local governmental agency
 2245 who acts within the scope of her or his employment, for which no
 2246 compensation in addition to the employee's salary is paid, to
 2247 buy, sell, appraise, exchange, rent, auction, or lease any real
 2248 property or any interest in real property for the use of her or
 2249 his employer.†

2250 (4) Any salaried employee of an owner, or of a registered
 2251 broker for an owner, of an apartment community who works in an



2252 onsite rental office of the apartment community in a leasing
 2253 capacity.‡

2254 (5) Any person employed for a salary as a manager of a
 2255 condominium or cooperative apartment complex as a result of any
 2256 activities or duties which the person may have in relation to
 2257 the renting of individual units within such condominium or
 2258 cooperative apartment complex if rentals arranged by the person
 2259 are for periods no greater than 1 year.‡

2260 (6) Any person, partnership, corporation, or other legal
 2261 entity which, for another and for compensation or other valuable
 2262 consideration, sells, offers to sell, advertises for sale, buys,
 2263 offers to buy, or negotiates the sale or purchase of radio,
 2264 television, or cable enterprises licensed and regulated by the
 2265 Federal Communications Commission pursuant to the Communications
 2266 Act of 1934. However, if the sale or purchase of the radio,
 2267 television, or cable enterprise involves the sale or lease of
 2268 land, buildings, fixtures, and all other improvements to the
 2269 land, a broker or salesperson licensed under this chapter shall
 2270 be retained for the portion of the transaction which includes
 2271 the land, buildings, fixtures, and all other improvements to the
 2272 land.‡~~or~~

2273 Section 86. Paragraphs (d), (f), (g), (h), and (j) of
 2274 subsection (5) of section 489.127, Florida Statutes, are amended
 2275 to read:

2276 489.127 Prohibitions; penalties.--

2277 (5) Each county or municipality may, at its option,
 2278 designate one or more of its code enforcement officers, as
 2279 defined in chapter 162, to enforce, as set out in this



2280 subsection, the provisions of subsection (1) and s. 489.132(1)
2281 against persons who engage in activity for which a county or
2282 municipal certificate of competency or license or state
2283 certification or registration is required.

2284 (d) The act for which the citation is issued shall be
2285 ceased upon receipt of the citation; and the person charged with
2286 the violation shall elect either to correct the violation and
2287 pay the civil penalty in the manner indicated on the citation
2288 or, within 10 days after ~~of~~ receipt of the citation, exclusive
2289 of weekends and legal holidays, request an administrative
2290 hearing before the enforcement or licensing board or designated
2291 special magistrate ~~master~~ to appeal the issuance of the citation
2292 by the code enforcement officer.

2293 1. Hearings shall be held before an enforcement or
2294 licensing board or designated special magistrate ~~master~~ as
2295 established by s. 162.03(2), and such hearings shall be
2296 conducted pursuant to the requirements of ss. 162.07 and 162.08.

2297 2. Failure of a violator to appeal the decision of the
2298 code enforcement officer within the time period set forth in
2299 this paragraph shall constitute a waiver of the violator's right
2300 to an administrative hearing. A waiver of the right to an
2301 administrative hearing shall be deemed an admission of the
2302 violation, and penalties may be imposed accordingly.

2303 3. If the person issued the citation, or his or her
2304 designated representative, shows that the citation is invalid or
2305 that the violation has been corrected prior to appearing before
2306 the enforcement or licensing board or designated special
2307 magistrate ~~master~~, the enforcement or licensing board or



2308 designated special magistrate ~~master~~ may dismiss the citation
 2309 unless the violation is irreparable or irreversible.

2310 4. Each day a willful, knowing violation continues shall
 2311 constitute a separate offense under the provisions of this
 2312 subsection.

2313 (f) If the enforcement or licensing board or designated
 2314 special magistrate ~~master~~ finds that a violation exists, the
 2315 enforcement or licensing board or designated special magistrate
 2316 ~~master~~ may order the violator to pay a civil penalty of not less
 2317 than the amount set forth on the citation but not more than
 2318 \$1,000 per day for each violation. In determining the amount of
 2319 the penalty, the enforcement or licensing board or designated
 2320 special magistrate ~~master~~ shall consider the following factors:

- 2321 1. The gravity of the violation.
- 2322 2. Any actions taken by the violator to correct the
 2323 violation.
- 2324 3. Any previous violations committed by the violator.

2325 (g) Upon written notification by the code enforcement
 2326 officer that a violator had not contested the citation or paid
 2327 the civil penalty within the timeframe allowed on the citation,
 2328 or if a violation has not been corrected within the timeframe
 2329 set forth on the notice of violation, the enforcement or
 2330 licensing board or the designated special magistrate ~~master~~
 2331 shall enter an order ordering the violator to pay the civil
 2332 penalty set forth on the citation or notice of violation, and a
 2333 hearing shall not be necessary for the issuance of such order.

2334 (h) A certified copy of an order imposing a civil penalty
 2335 against an uncertified contractor may be recorded in the public



2336 records and thereafter shall constitute a lien against any real
2337 or personal property owned by the violator. Upon petition to the
2338 circuit court, such order may be enforced in the same manner as
2339 a court judgment by the sheriffs of this state, including a levy
2340 against personal property; however, such order shall not be
2341 deemed to be a court judgment except for enforcement purposes. A
2342 civil penalty imposed pursuant to this part shall continue to
2343 accrue until the violator comes into compliance or until
2344 judgment is rendered in a suit to foreclose on a lien filed
2345 pursuant to this subsection, whichever occurs first. After 3
2346 months following ~~from~~ the filing of any such lien which remains
2347 unpaid, the enforcement board or licensing board or designated
2348 special magistrate ~~master~~ may authorize the local governing
2349 body's attorney to foreclose on the lien. No lien created
2350 pursuant to the provisions of this part may be foreclosed on
2351 real property which is a homestead under s. 4, Art. X of the
2352 State Constitution.

2353 (j) An aggrieved party, including the local governing
2354 body, may appeal a final administrative order of an enforcement
2355 board or licensing board or designated special magistrate ~~master~~
2356 to the circuit court. Such an appeal shall not be a hearing de
2357 novo but shall be limited to appellate review of the record
2358 created before the enforcement board or licensing board or
2359 designated special magistrate ~~master~~. An appeal shall be filed
2360 within 30 days after ~~of the~~ execution of the order to be
2361 appealed.



2362 Section 87. Paragraphs (d), (f), (g), (h), and (j) of
 2363 subsection (4) of section 489.531, Florida Statutes, are amended
 2364 to read:

2365 489.531 Prohibitions; penalties.--
 2366 (4)

2367 (d) The act for which the citation is issued shall be
 2368 ceased upon receipt of the citation; and the person charged with
 2369 the violation shall elect either to correct the violation and
 2370 pay the civil penalty in the manner indicated on the citation
 2371 or, within 10 days after ~~of~~ receipt of the citation, exclusive
 2372 of weekends and legal holidays, request an administrative
 2373 hearing before the enforcement or licensing board or designated
 2374 special magistrate ~~master~~ to appeal the issuance of the citation
 2375 by the code enforcement officer.

2376 1. Hearings shall be held before an enforcement or
 2377 licensing board or designated special magistrate ~~master~~ as
 2378 established by s. 162.03(2) and such hearings shall be conducted
 2379 pursuant to ss. 162.07 and 162.08.

2380 2. Failure of a violator to appeal the decision of the
 2381 code enforcement officer within the time period set forth in
 2382 this paragraph shall constitute a waiver of the violator's right
 2383 to an administrative hearing. A waiver of the right to
 2384 administrative hearing shall be deemed an admission of the
 2385 violation and penalties may be imposed accordingly.

2386 3. If the person issued the citation, or his or her
 2387 designated representative, shows that the citation is invalid or
 2388 that the violation has been corrected prior to appearing before
 2389 the enforcement or licensing board or designated special



2390 magistrate ~~master~~, the enforcement or licensing board or
2391 designated special magistrate ~~master~~ shall dismiss the citation
2392 unless the violation is irreparable or irreversible.

2393 4. Each day a willful, knowing violation continues shall
2394 constitute a separate offense under the provisions of this
2395 subsection.

2396 (f) If the enforcement or licensing board or designated
2397 special magistrate ~~master~~ finds that a violation exists, the
2398 enforcement or licensing board or designated special magistrate
2399 ~~master~~ may order the violator to pay a civil penalty of not less
2400 than the amount set forth on the citation but not more than \$500
2401 per day for each violation. In determining the amount of the
2402 penalty, the enforcement or licensing board or designated
2403 special magistrate ~~master~~ shall consider the following factors:

2404 1. The gravity of the violation.

2405 2. Any actions taken by the violator to correct the
2406 violation.

2407 3. Any previous violations committed by the violator.

2408 (g) Upon written notification by the code enforcement
2409 officer that a violator had not contested the citation or paid
2410 the civil penalty within the timeframe allowed on the citation,
2411 or if a violation has not been corrected within the timeframe
2412 set forth on the notice of violation, the enforcement or
2413 licensing board or the designated special magistrate ~~master~~
2414 shall enter an order ordering the violator to pay the civil
2415 penalty set forth on the citation or notice of violation, and a
2416 hearing shall not be necessary for the issuance of such order.



2417 (h) A certified copy of an order imposing a civil penalty
2418 against an uncertified contractor may be recorded in the public
2419 records and thereafter shall constitute a lien against any real
2420 or personal property owned by the violator. Upon petition to the
2421 circuit court, such order may be enforced in the same manner as
2422 a court judgment by the sheriffs of this state, including a levy
2423 against personal property; however, such order shall not be
2424 deemed to be a court judgment except for enforcement purposes. A
2425 civil penalty imposed pursuant to this part shall continue to
2426 accrue until the violator comes into compliance or until
2427 judgment is rendered in a suit to foreclose on a lien filed
2428 pursuant to this section, whichever occurs first. After 3 months
2429 following ~~from~~ the filing of any such lien which remains unpaid,
2430 the enforcement or licensing board or designated special
2431 magistrate ~~master~~ may authorize the local governing body's
2432 attorney to foreclose on the lien. No lien created pursuant to
2433 the provisions of this part may be foreclosed on real property
2434 which is a homestead under s. 4, Art. X of the State
2435 Constitution.

2436 (j) An aggrieved party, including the local governing
2437 body, may appeal a final administrative order of an enforcement
2438 or licensing board or ~~special~~ designated special magistrate
2439 ~~master~~ to the circuit court. Such an appeal shall not be a
2440 hearing de novo but shall be limited to appellate review of the
2441 record created before the enforcement or licensing board or
2442 designated special magistrate ~~master~~. An appeal shall be filed
2443 within 30 days after ~~of~~ the execution of the order to be
2444 appealed.



2445 Section 88. Subsection (1) of section 496.420, Florida
 2446 Statutes, is amended to read:

2447 496.420 Civil remedies and enforcement.--

2448 (1) In addition to other remedies authorized by law, the
 2449 department may bring a civil action in circuit court to enforce
 2450 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
 2451 person has violated any of these sections, a court may make any
 2452 necessary order or enter a judgment including, but not limited
 2453 to, a temporary or permanent injunction, a declaratory judgment,
 2454 the appointment of a general or special magistrate ~~master~~ or
 2455 receiver, the sequestration of assets, the reimbursement of
 2456 persons from whom contributions have been unlawfully solicited,
 2457 the distribution of contributions in accordance with the
 2458 charitable or sponsor purpose expressed in the registration
 2459 statement or in accordance with the representations made to the
 2460 person solicited, the reimbursement of the department for
 2461 investigative costs, attorney's fees and costs, and any other
 2462 equitable relief the court finds appropriate. Upon a finding
 2463 that any person has violated any provision of ss. 496.401-
 2464 496.424 or s. 496.426 with actual knowledge or knowledge fairly
 2465 implied on the basis of objective circumstances, a court may
 2466 enter an order imposing a civil penalty in an amount not to
 2467 exceed \$10,000 per violation.

2468 Section 89. Subsection (3) of section 501.207, Florida
 2469 Statutes, is amended to read:

2470 501.207 Remedies of enforcing authority.--

2471 (3) Upon motion of the enforcing authority or any
 2472 interested party in any action brought under subsection (1), the



2473 court may make appropriate orders, including, but not limited
 2474 to, appointment of a general or special magistrate ~~master~~ or
 2475 receiver or sequestration or freezing of assets, to reimburse
 2476 consumers or governmental entities found to have been damaged;
 2477 to carry out a transaction in accordance with the reasonable
 2478 expectations of consumers or governmental entities; to strike or
 2479 limit the application of clauses of contracts to avoid an
 2480 unconscionable result; to order any defendant to divest herself
 2481 or himself of any interest in any enterprise, including real
 2482 estate; to impose reasonable restrictions upon the future
 2483 activities of any defendant to impede her or him from engaging
 2484 in or establishing the same type of endeavor; to order the
 2485 dissolution or reorganization of any enterprise; or to grant
 2486 legal, equitable, or other appropriate relief. The court may
 2487 assess the expenses of a general or special magistrate ~~master~~ or
 2488 receiver against a person who has violated, is violating, or is
 2489 otherwise likely to violate this part. Any injunctive order,
 2490 whether temporary or permanent, issued by the court shall be
 2491 effective throughout the state unless otherwise provided in the
 2492 order.

2493 Section 90. Section 501.618, Florida Statutes, is amended
 2494 to read:

2495 501.618 General civil remedies.--The department may bring:

2496 (1) An action to obtain a declaratory judgment that an act
 2497 or practice violates the provisions of this part.

2498 (2) An action to enjoin a person who has violated, is
 2499 violating, or is otherwise likely to violate the provisions of
 2500 this part.



2501 (3) An action on behalf of one or more purchasers for the
 2502 actual damages caused by an act or practice performed in
 2503 violation of the provisions of this part. Such an action may
 2504 include, but is not limited to, an action to recover against a
 2505 bond, letter of credit, or certificate of deposit as otherwise
 2506 provided in this part.

2507
 2508 Upon motion of the enforcing authority in any action brought
 2509 under this section, the court may make appropriate orders,
 2510 including appointment of a general or special magistrate ~~master~~
 2511 or receiver or sequestration of assets, to reimburse consumers
 2512 found to have been damaged, to carry out a consumer transaction
 2513 in accordance with the consumer's reasonable expectations, or to
 2514 grant other appropriate relief. The court may assess the
 2515 expenses of a general or special magistrate ~~master~~ or receiver
 2516 against a commercial telephone seller. Any injunctive order,
 2517 whether temporary or permanent, issued by the court shall be
 2518 effective throughout the state unless otherwise provided in the
 2519 order.

2520 Section 91. Subsection (6) of section 559.936, Florida
 2521 Statutes, is amended to read:

2522 559.936 Civil penalties; remedies.--

2523 (6) Upon motion of the department in any action brought
 2524 under this part, the court may make appropriate orders,
 2525 including appointment of a general or special magistrate ~~master~~
 2526 or receiver or sequestration of assets, to reimburse consumers
 2527 found to have been damaged, to carry out a consumer transaction



2528 in accordance with the consumer's reasonable expectations, or to
2529 grant other appropriate relief.

2530 Section 92. Subsection (1) of section 582.23, Florida
2531 Statutes, is amended to read:

2532 582.23 Performance of work under the regulations by the
2533 supervisors.--

2534 (1) The supervisors may go upon any lands within the
2535 district to determine whether land use regulations adopted are
2536 being observed. Where the supervisors of any district shall find
2537 that any of the provisions of land use regulations adopted are
2538 not being observed on particular lands, and that such
2539 nonobservance tends to increase erosion on such lands and is
2540 interfering with the prevention or control of erosion on other
2541 lands within the district, the supervisors may present to the
2542 circuit court for the county or counties within which the lands
2543 of the defendant may lie, a petition, duly verified, setting
2544 forth the adoption of the land use regulations, the failure of
2545 the defendant landowner or occupier to observe such regulations,
2546 and to perform particular work, operations, or avoidances as
2547 required thereby, and that such nonobservance tends to increase
2548 erosion on such lands and is interfering with the prevention or
2549 control of erosion on other lands within the district, and
2550 praying the court to require the defendant to perform the work,
2551 operations, or avoidances within a reasonable time and to order
2552 that if the defendant shall fail so to perform the supervisors
2553 may go on the land, perform the work or other operations or
2554 otherwise bring the condition of such lands into conformity with
2555 the requirements of such regulations, and recover the costs and



2556 expenses thereof, with interest, from the owner of such land.
 2557 Upon the presentation of such petition the court shall cause
 2558 process to be issued against the defendant, and shall hear the
 2559 case. If it shall appear to the court that testimony is
 2560 necessary for the proper disposition of the matter, it may take
 2561 evidence or appoint a special magistrate ~~master~~ to take such
 2562 evidence as it may direct and report the same to the court
 2563 within her or his findings of fact and conclusions of law, which
 2564 shall constitute a part of the proceedings upon which the
 2565 determination of the court shall be made.

2566 Section 93. Subsection (2) of section 631.182, Florida
 2567 Statutes, is amended to read:

2568 631.182 Receiver claims report and claimants objections
 2569 procedure.--

2570 (2) At the hearing, any interested person is entitled to
 2571 appear. The hearing shall not be de novo but shall be limited to
 2572 the record as described in s. 631.181(2). The court shall enter
 2573 an order allowing, allowing in part, or disallowing the claim.
 2574 Any such order is deemed to be an appealable order. In the
 2575 interests of judicial economy, the court may appoint a special
 2576 magistrate ~~master~~ to resolve objections or to perform any
 2577 particular service required by the court. This subsection shall
 2578 apply to receivership proceedings commencing prior to, or
 2579 subsequent to, July 1, 1997.

2580 Section 94. Subsections (3) and (4) of section 631.331,
 2581 Florida Statutes, are amended to read:

2582 631.331 Assessment prima facie correct; notice; payment;
 2583 proceeding to collect.--



2584 (3) If any such member or subscriber fails to pay the
 2585 assessment within the period specified in the notice, which
 2586 period shall not be less than 20 days after mailing, the
 2587 department may obtain an order in the delinquency proceeding
 2588 requiring the member or subscriber to show cause at a time and
 2589 place fixed by the court why judgment should not be entered
 2590 against such member or subscriber for the amount of the
 2591 assessment, together with all costs, ~~and~~ A copy of the order
 2592 and a copy of the petition therefor shall be served upon the
 2593 member or subscriber within the time and in the manner
 2594 designated in the order.

2595 (4) If the subscriber or member after due service of a
 2596 copy of the order and petition referred to in subsection (3) is
 2597 made upon her or him:

2598 (a) Fails to appear at the time and place specified in the
 2599 order, judgment shall be entered against her or him as prayed
 2600 for in the petition; or

2601 (b) Appears in the manner and form required by law in
 2602 response to the order, the court shall hear and determine the
 2603 matter and enter a judgment in accordance with its decision. In
 2604 the interests of judicial economy, the court may appoint a
 2605 special magistrate ~~master~~ to resolve objections or to perform
 2606 any particular service required by the court. This paragraph
 2607 shall apply to receivership proceedings commencing prior to, or
 2608 subsequent to, July 1, 1997.

2609 Section 95. Subsection (2) of section 633.052, Florida
 2610 Statutes, is amended to read:



2611 633.052 Ordinances relating to firesafety; definitions;
 2612 penalties.--

2613 (2) A county or municipality that ~~which~~ has created a code
 2614 enforcement board or special magistrate ~~master~~ system pursuant
 2615 to chapter 162 may enforce firesafety code violations as
 2616 provided in chapter 162. The governing body of a county or
 2617 municipality which has not created a code enforcement board or
 2618 special magistrate ~~master~~ system for firesafety under chapter
 2619 162 is authorized to enact ordinances relating to firesafety
 2620 codes, which ordinances shall provide:

2621 (a) That a violation of such an ordinance is a civil
 2622 infraction.

2623 (b) A maximum civil penalty not to exceed \$500.

2624 (c) A civil penalty of less than the maximum civil penalty
 2625 if the person who has committed the civil infraction does not
 2626 contest the citation.

2627 (d) For the issuance of a citation by an officer who has
 2628 probable cause to believe that a person has committed a
 2629 violation of an ordinance relating to firesafety.

2630 (e) For the contesting of a citation in the county court.

2631 (f) Such procedures and provisions necessary to implement
 2632 any ordinances enacted under the authority of this section.

2633 Section 96. Subsection (2) of section 744.369, Florida
 2634 Statutes, is amended to read:

2635 744.369 Judicial review of guardianship reports.--

2636 (2) The court may appoint general or special magistrates
 2637 ~~masters~~ to assist the court in its review function. The court



2638 may require the general or special magistrate ~~master~~ to conduct
 2639 random field audits.

2640 Section 97. Subsection (11) of section 760.11, Florida
 2641 Statutes, is amended to read:

2642 760.11 Administrative and civil remedies; construction.--

2643 (11) If a complaint is within the jurisdiction of the
 2644 commission, the commission shall simultaneously with its other
 2645 statutory obligations attempt to eliminate or correct the
 2646 alleged discrimination by informal methods of conference,
 2647 conciliation, and persuasion. Nothing said or done in the course
 2648 of such informal endeavors may be made public or used as
 2649 evidence in a subsequent civil proceeding, trial, or hearing.
 2650 The commission may initiate dispute resolution procedures,
 2651 including voluntary arbitration, by special magistrates ~~masters~~
 2652 or mediators. The commission may adopt rules as to the
 2653 qualifications of persons who may serve as special magistrates
 2654 ~~masters~~ and mediators.

2655 Section 98. Subsection (1) of section 837.011, Florida
 2656 Statutes, is amended to read:

2657 837.011 Definitions.--In this chapter, unless a different
 2658 meaning plainly is required:

2659 (1) "Official proceeding" means a proceeding heard, or
 2660 which may be or is required to be heard, before any legislative,
 2661 judicial, administrative, or other governmental agency or
 2662 official authorized to take evidence under oath, including any
 2663 referee, general or special magistrate ~~master in chancery~~,
 2664 administrative law judge, hearing officer, hearing examiner,



2665 commissioner, notary, or other person taking testimony or a
 2666 deposition in connection with any such proceeding.

2667 Section 99. Subsection (4) of section 838.014, Florida
 2668 Statutes, is amended to read:

2669 838.014 Definitions.--For the purposes of this chapter,
 2670 unless a different meaning plainly is required:

2671 (4) "Public servant" means any public officer, agent, or
 2672 employee of government, whether elected or appointed, including,
 2673 but not limited to, any executive, legislative, or judicial
 2674 officer; any person who holds an office or position in a
 2675 political party or political party committee, whether elected or
 2676 appointed; and any person participating as a general or special
 2677 magistrate ~~master~~, receiver, auditor, juror, arbitrator, umpire,
 2678 referee, consultant, administrative law judge, hearing officer,
 2679 or hearing examiner, or person acting on behalf of any of these,
 2680 in performing a governmental function; but the term does not
 2681 include witnesses. Such term shall include a candidate for
 2682 election or appointment to any such office, including any
 2683 individual who seeks or intends to occupy any such office. It
 2684 shall include any person appointed to any of the foregoing
 2685 offices or employments before and after he or she qualifies.

2686 Section 100. Section 839.17, Florida Statutes, is amended
 2687 to read:

2688 839.17 Misappropriation of moneys by commissioners to make
 2689 sales.--Any commissioner or general or special magistrate ~~master~~
 2690 ~~in chancery~~, having received the purchase money or the
 2691 securities resulting from any of the sales authorized by law,
 2692 who shall fail to deliver such moneys and securities, or either



2693 of them, to the executor or administrator, or the person
 2694 entitled to receive the same, upon the order of the court,
 2695 unless she or he is rendered unable to do so by some cause not
 2696 attributable to her or his own default or neglect, shall be
 2697 fined in a sum equal to the amount received from the purchaser,
 2698 and commits ~~shall be guilty of~~ a felony of the second degree,
 2699 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2700 Section 101. Paragraph (a) of subsection (3) of section
 2701 916.107, Florida Statutes, is amended to read:

2702 916.107 Rights of forensic clients.--

2703 (3) RIGHT TO EXPRESS AND INFORMED CONSENT.--

2704 (a) A client committed to the department pursuant to this
 2705 act shall be asked to give express and informed written consent
 2706 for treatment. If a client in a forensic facility refuses such
 2707 treatment as is deemed necessary by the client's
 2708 multidisciplinary treatment team at the forensic facility for
 2709 the appropriate care of the client and the safety of the client
 2710 or others, such treatment may be provided under the following
 2711 circumstances:

2712 1. In an emergency situation in which there is immediate
 2713 danger to the safety of the client or others, such treatment may
 2714 be provided upon the written order of a physician for a period
 2715 not to exceed 48 hours, excluding weekends and legal holidays.
 2716 If, after the 48-hour period, the client has not given express
 2717 and informed consent to the treatment initially refused, the
 2718 administrator or designee of the forensic facility shall, within
 2719 48 hours, excluding weekends and legal holidays, petition the
 2720 committing court or the circuit court serving the county in



2721 | which the facility is located, at the option of the facility
2722 | administrator or designee, for an order authorizing the
2723 | continued treatment of the client. In the interim, treatment may
2724 | be continued without the consent of the client upon the
2725 | continued written order of a physician who has determined that
2726 | the emergency situation continues to present a danger to the
2727 | safety of the client or others.

2728 | 2. In a situation other than an emergency situation, the
2729 | administrator or designee of the forensic facility shall
2730 | petition the court for an order authorizing the treatment to the
2731 | client. The order shall allow such treatment for a period not
2732 | to exceed 90 days after ~~from~~ the date of the entry of the order.
2733 | Unless the court is notified in writing that the client has
2734 | provided express and informed consent in writing or that the
2735 | client has been discharged by the committing court, the
2736 | administrator or designee shall, prior to the expiration of the
2737 | initial 90-day order, petition the court for an order
2738 | authorizing the continuation of treatment for another 90-day
2739 | period. This procedure shall be repeated until the client
2740 | provides consent or is discharged by the committing court.

2741 | 3. At the hearing on the issue of whether the court should
2742 | enter an order authorizing treatment for which a client has
2743 | refused to give express and informed consent, the court shall
2744 | determine by clear and convincing evidence that the client is
2745 | mentally ill, retarded, or autistic as defined in this chapter,
2746 | that the treatment not consented to is essential to the care of
2747 | the client, and that the treatment not consented to is not
2748 | experimental and does not present an unreasonable risk of



2749 serious, hazardous, or irreversible side effects. In arriving at
 2750 the substitute judgment decision, the court must consider at
 2751 least the following factors:

- 2752 a. The client's expressed preference regarding treatment;
- 2753 b. The probability of adverse side effects;
- 2754 c. The prognosis without treatment; and
- 2755 d. The prognosis with treatment.

2756

2757 The hearing shall be as convenient to the client as may be
 2758 consistent with orderly procedure and shall be conducted in
 2759 physical settings not likely to be injurious to the client's
 2760 condition. The court may appoint a general or special magistrate
 2761 ~~master~~ to preside at the hearing. The client or the client's
 2762 guardian, and the representative, shall be provided with a copy
 2763 of the petition and the date, time, and location of the hearing.
 2764 The client has the right to have an attorney represent him or
 2765 her at the hearing, and, if the client is indigent, the court
 2766 shall appoint the office of the public defender to represent the
 2767 client at the hearing. The client may testify or not, as he or
 2768 she chooses, and has the right to cross-examine witnesses and
 2769 may present his or her own witnesses.

2770 Section 102. Subsection (11) of section 938.30, Florida
 2771 Statutes, is amended to read:

2772 938.30 Court-imposed financial obligations in criminal
 2773 cases; supplementary proceedings.--

2774 (11) The court may refer any proceeding under this section
 2775 to a special magistrate ~~master~~ who shall report findings and



2776 make recommendations to the court. The court shall act on such
2777 recommendations within a reasonable amount of time.

2778 Section 103. Subsection (3) of section 945.43, Florida
2779 Statutes, is amended to read:

2780 945.43 Admission of inmate to mental health treatment
2781 facility.--

2782 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR
2783 MENTAL HEALTH TREATMENT.--If the inmate does not waive a hearing
2784 or if the inmate or the inmate's representative files a petition
2785 for a hearing after having waived it, the court shall serve
2786 notice on the warden of the facility where the inmate is
2787 confined, the director, and the allegedly mentally ill inmate.
2788 The notice shall specify the date, time, and place of the
2789 hearing; the basis for the allegation of mental illness; and the
2790 names of the examining experts. The hearing shall be held within
2791 5 days, and the court may appoint a general or special
2792 magistrate ~~master~~ to preside. The hearing may be as informal as
2793 is consistent with orderly procedure. One of the experts whose
2794 opinion supported the recommendation shall be present at the
2795 hearing for information purposes. If, at the hearing, the court
2796 finds that the inmate is mentally ill and in need of care and
2797 treatment, it shall order that he or she be transferred to a
2798 mental health treatment facility and provided appropriate
2799 treatment. The court shall provide a copy of its order
2800 authorizing transfer and all supporting documentation relating
2801 to the inmate's condition to the warden of the treatment
2802 facility. If the court finds that the inmate is not mentally
2803 ill, it shall dismiss the petition for transfer.



2804 Section 104. Subsection (4) is added to section 903.02,
 2805 Florida Statutes, to read:

2806 903.02 Actions with respect to denial or conditions of
 2807 bail or amount of bond prohibited; "court" defined.--

2808 (4) Any judge setting or granting monetary bail shall set
 2809 a separate and specific bail amount for each charge or offense.
 2810 When bail is posted, each charge or offense requires a separate
 2811 bond.

2812 Section 105. Subsection (3) is added to section 903.046,
 2813 Florida Statutes, to read:

2814 903.046 Purpose of and criteria for bail determination.--

2815 (3) If a defendant is charged with a second or subsequent
 2816 felony for a dangerous crime as defined in s. 907.041(4) within
 2817 3 years after the date of a prior felony conviction, regardless
 2818 of whether adjudication was withheld, the defendant forfeits the
 2819 right to a presumption in favor of release on nonmonetary
 2820 conditions as provided in s. 907.041.

2821 Section 106. Subsection (1) of section 903.047, Florida
 2822 Statutes, is amended to read:

2823 903.047 Conditions of pretrial release.--

2824 (1) As a condition of pretrial release, whether such
 2825 release is by surety bail bond or recognizance bond or in some
 2826 other form, ~~the court shall require that:~~

2827 (a) The defendant shall refrain from criminal activity of
 2828 any kind. ~~;~~ ~~and~~

2829 (b) The defendant shall refrain from any contact of any
 2830 type with the victim, except through pretrial discovery pursuant
 2831 to the Florida Rules of Criminal Procedure.



2832 (c) The defendant shall comply with all conditions of
 2833 pretrial release.

2834 Section 107. Paragraph (d) is added to subsection (5) of
 2835 section 903.26, Florida Statutes, to read:

2836 903.26 Forfeiture of the bond; when and how directed;
 2837 discharge; how and when made; effect of payment.--

2838 (5) The court shall discharge a forfeiture within 60 days
 2839 upon:

2840 (d) Refusal of the state attorney to institute extradition
 2841 proceedings or extradite the principal on a bail bond, after the
 2842 surety has agreed in writing to pay actual transportation costs,
 2843 exonerates the surety, and any forfeiture or judgment is set
 2844 aside or vacated and any payment by the surety of a forfeiture
 2845 or judgment is remitted as required under s. 903.28.

2846 Section 108. Subsection (1) of section 903.27, Florida
 2847 Statutes, is amended to read:

2848 903.27 Forfeiture to judgment.--

2849 (1) If the forfeiture is not paid or discharged by order
 2850 of a court of competent jurisdiction within 60 days and the bond
 2851 is secured other than by money and bonds authorized in s.
 2852 903.16, the clerk of the circuit court for the county where the
 2853 order was made shall enter a judgment against the surety for the
 2854 amount of the penalty and issue execution. However, in any case
 2855 in which the bond forfeiture has been discharged by the court of
 2856 competent jurisdiction conditioned upon the payment by the
 2857 surety of certain costs or fees as allowed by statute, the
 2858 amount for which judgment may be entered may not exceed the
 2859 amount of the unpaid fees or costs upon which the discharge had



2860 been conditioned. Judgment for the full amount of the forfeiture
2861 shall not be entered if payment of a lesser amount will satisfy
2862 the conditions to discharge the forfeiture. Within 10 days, the
2863 clerk shall furnish the Department of Insurance with a certified
2864 copy of the judgment docket and shall furnish the surety company
2865 at its home office a copy of the judgment, which shall include
2866 the power of attorney number of the bond and the name of the
2867 executing agent. If the judgment is not paid within 35 days, the
2868 clerk shall furnish the Department of Insurance and the sheriff
2869 of the county in which the bond was executed, or the official
2870 responsible for operation of the county jail, if other than the
2871 sheriff, two copies of the judgment and a certificate stating
2872 that the judgment remains unsatisfied. When and if the judgment
2873 is properly paid or an order to vacate the judgment has been
2874 entered by a court of competent jurisdiction, the clerk shall
2875 immediately notify the sheriff, or the official responsible for
2876 the operation of the county jail, if other than the sheriff, and
2877 the Department of Insurance, if the department had been
2878 previously notified of nonpayment, of such payment or order to
2879 vacate the judgment. The clerk shall also immediately prepare
2880 and record in the public records a satisfaction of the judgment
2881 or record the order to vacate judgment. If the defendant is
2882 returned to the county of jurisdiction of the court, whenever a
2883 motion to set aside the judgment is filed, the operation of this
2884 section is tolled until the court makes a disposition of the
2885 motion.

2886 Section 109. Section 903.31, Florida Statutes, is amended
2887 to read:



2888 903.31 Canceling the bond.--

2889 (1) Within 10 business days after the conditions of a bond
2890 have been satisfied or the forfeiture discharged or remitted,
2891 ~~the court shall order~~ the bond shall be canceled and, if the
2892 surety has attached a certificate of cancellation to the
2893 original bond, the clerk of the court shall furnish an executed
2894 certificate of cancellation to the surety without cost. An
2895 adjudication of guilt or innocence of the defendant shall
2896 satisfy the conditions of the bond. The original appearance bond
2897 shall expire 36 months after such bond has been posted for the
2898 release of the defendant from custody. This subsection does not
2899 apply to cases in which a bond has been declared forfeited.

2900 (2) The original appearance bond does ~~shall~~ not ~~be~~
2901 ~~construed to~~ guarantee deferred sentences, appearance during or
2902 after a presentence investigation, appearance during or after
2903 appeals, ~~conduct during or appearance after admission to a~~
2904 ~~pretrial intervention program,~~ payment of fines, or attendance
2905 at educational or rehabilitation facilities the court otherwise
2906 provides in the judgment. If the original appearance bond has
2907 been forfeited or revoked, the bond shall not be reinstated
2908 without approval from the surety on the original bond.

2909 (3) The original appearance bond does not guarantee the
2910 defendant's conduct or appearance in court at any time after:

2911 (a) The defendant enters a plea of guilty or nolo
2912 contendere;

2913 (b) The defendant enters into an agreement for deferred
2914 prosecution or agrees to enter a pretrial intervention program;

2915 (c) The defendant is acquitted;



- 2916 (d) The defendant is adjudicated guilty;
- 2917 (e) Adjudication of guilt of the defendant is withheld; or
- 2918 (f) The defendant is found guilty by a judge or jury.

2919 ~~(4)(3)~~ In any case where no formal charges have been
 2920 brought against the defendant within 365 days after arrest, the
 2921 court shall order the bond canceled unless good cause is shown
 2922 by the state.

2923 Section 110. Subsection (3) and paragraphs (a) and (b) of
 2924 subsection (4) of section 907.041, Florida Statutes, are amended
 2925 to read:

2926 907.041 Pretrial detention and release.--

2927 (3) RELEASE ON NONMONETARY CONDITIONS.--

2928 (a) It is the intent of the Legislature to create a
 2929 presumption in favor of release on nonmonetary conditions for
 2930 any person who is granted pretrial release unless such person is
 2931 charged with a dangerous crime as defined in subsection (4).
 2932 Such person shall be released on monetary conditions if it is
 2933 determined that such monetary conditions are necessary to assure
 2934 the presence of the person at trial or at other proceedings, to
 2935 protect the community from risk of physical harm to persons, to
 2936 assure the presence of the accused at trial, or to assure the
 2937 integrity of the judicial process.

2938 (b) A ~~No~~ person may not be accepted for release ~~shall be~~
 2939 ~~released~~ on nonmonetary conditions under the supervision of a
 2940 pretrial release service, unless the service certifies in
 2941 writing, and has provided a report to the court for review, that
 2942 it has investigated or otherwise verified:



2943 | 1. The circumstances of the accused's family, employment,
 2944 | financial resources, character, mental condition, and length of
 2945 | residence in the community.;

2946 | 2. The accused's record of convictions, of appearances at
 2947 | court proceedings, of flight to avoid prosecution, or of failure
 2948 | to appear at court proceedings.;~~and~~

2949 | 3. Other facts necessary to assist the court in its
 2950 | determination of the indigency of the accused and whether she or
 2951 | he should be released under the supervision of the service.

2952 | (4) PRETRIAL DETENTION.--

2953 | (a) As used in this subsection, the term "dangerous crime"
 2954 | means any of the following:

- 2955 | 1. Arson;
- 2956 | 2. Aggravated assault;
- 2957 | 3. Aggravated battery;
- 2958 | 4. Illegal use of explosives;
- 2959 | 5. Child abuse or aggravated child abuse;
- 2960 | 6. Abuse of an elderly person or disabled adult, or
- 2961 | aggravated abuse of an elderly person or disabled adult;
- 2962 | 7. Aircraft piracy;
- 2963 | 8. Kidnapping;
- 2964 | 9. Homicide;
- 2965 | 10. Manslaughter;
- 2966 | 11. Sexual battery;
- 2967 | 12. Robbery;
- 2968 | 13. Carjacking;
- 2969 | 14. Lewd, lascivious, or indecent assault or act upon or
- 2970 | in presence of a child under the age of 16 years;



- 2971 15. Sexual activity with a child, who is 12 years of age
- 2972 or older but less than 18 years of age, by or at solicitation of
- 2973 person in familial or custodial authority;
- 2974 16. Burglary of a dwelling;
- 2975 17. Stalking and aggravated stalking;
- 2976 18. Act of domestic violence as defined in s. 741.28;
- 2977 19. Home invasion robbery;
- 2978 20. Act of terrorism as defined in s. 775.30; and
- 2979 21. Attempting or conspiring to commit any such crime.

2980 (b) Pursuant to the provisions of paragraph (3)(b) No
 2981 ~~person charged with a dangerous crime shall be granted~~
 2982 ~~nonmonetary pretrial release at a first appearance hearing;~~
 2983 ~~however,~~ the court shall retain the discretion to release a
 2984 person an accused of a dangerous crime on electronic monitoring
 2985 or on recognizance bond if the findings on the record of facts
 2986 and circumstances warrant such a release.

2987 Section 111. Section 903.0465, Florida Statutes, is
 2988 created to read:

2989 903.0465 Determination of bail at first appearance.--In
 2990 any case in which a defendant is before the court at a first
 2991 appearance hearing based on the execution of an arrest warrant,
 2992 the judge at the first appearance hearing may not reduce the
 2993 amount of bail indicated on the warrant, unless the judge
 2994 issuing the warrant indicates that the matter of bail may be
 2995 reconsidered at the first appearance hearing. This section does
 2996 not apply when the judge at the first appearance hearing is also
 2997 the judge who issued the warrant or when the judge at the first



2998 | appearance hearing is the judge to whom the case has been
2999 | assigned.

3000 | Section 112. Section 903.0471, Florida Statutes, is
3001 | amended to read:

3002 | 903.0471 Violation of condition of pretrial
3003 | release.--Notwithstanding s. 907.041, a court may, on its own
3004 | motion, revoke pretrial release and order pretrial detention if
3005 | the court finds probable cause to believe that the defendant
3006 | committed a new crime while on pretrial release. A finding of
3007 | probable cause under this section may, in the court's
3008 | discretion, be determined based upon the affidavit of a law
3009 | enforcement officer without an evidentiary hearing.

3010 | Section 113. This act shall take effect July 1, 2003.