

By the Committee on Finance and Taxation; and Senator Smith

314-2341-03

1 A bill to be entitled
2 An act relating to the judicial system;
3 amending s. 27.3455, F.S.; providing for each
4 county to report revenues and expenditures to
5 the Chief Financial Officer; providing for
6 allocation of funds; amending s. 27.562, F.S.;
7 providing for disposition of funds; amending s.
8 28.101, F.S.; increasing the service charge for
9 filing for dissolution of marriage;
10 transferring, renumbering, and amending s.
11 43.195, F.S.; authorizing a clerk to dispose of
12 items of physical evidence in cases where no
13 collateral attack is pending; amending s.
14 28.24, F.S.; increasing the service charges for
15 services rendered by the clerk of the court in
16 recording documents and instruments and in
17 performing certain other duties; amending s.
18 28.241, F.S.; increasing the service charge for
19 filing a civil action in circuit court;
20 requiring that a portion of the charge be
21 remitted to the General Revenue Fund and to the
22 Court Education Trust Fund; requiring that a
23 portion of the charge be remitted to the Clerk
24 of the Court Operations Conference Operating
25 Fund and the Clerk of the Court Operations
26 Conference Contingency Fund; providing a filing
27 fee for reopening a civil action or proceeding;
28 providing for a reduction in the fee for a
29 petition to modify a final judgment of
30 dissolution; increasing other service charges;
31 deleting provisions authorizing a county to

1 assess amounts in excess of specified service
2 charges; prohibiting additional service charges
3 or fees; increasing the service charge for
4 instituting an appellate proceeding; amending
5 s. 28.2401, F.S.; increasing various service
6 charges for probate matters; prohibiting county
7 governing authorities from imposing additional
8 charges; creating s. 28.2402, F.S.; imposing a
9 fee on a county or municipality for filing
10 municipal code or ordinance violation in civil
11 court; creating s. 28.246, F.S.; requiring the
12 clerk of the circuit court to report to the
13 Legislature the total amount of service charges
14 and fees assessed, waived, and collected;
15 authorizing partial payment of court-related
16 fees to the clerk; providing a distribution
17 order for collected charges and fees;
18 authorizing clerks of the court to refer unpaid
19 collections to a private attorney; creating s.
20 28.35, F.S.; establishing the Clerk of the
21 Court Operations Conference; providing
22 membership; requiring the conference to
23 recommend changes in the service charges and
24 fees to the Legislature; requiring the
25 conference to review revenues and budgets and
26 determine payments to clerks of the court;
27 providing for a clerk education program;
28 providing for a statewide case information
29 system; requiring the Florida Association of
30 Court Clerks to establish a depository for
31 funds to pay for the operation of the Clerk of

1 Court Operations Conference and for payments if
2 a clerk's expenditures exceed revenues;
3 creating s. 28.36, F.S.; requiring the clerks
4 of the circuit court to provide a balanced
5 budget to the Clerk of Court Operations
6 Conference; requiring a special budget for a
7 specified period; authorizing clerks to
8 maintain a reserve; creating s. 28.37, F.S.;
9 providing for revenues collected by the clerk
10 in excess of a certain amount to be remitted to
11 the state to pay the costs of the state court
12 system; amending s. 34.032, F.S.; requiring
13 that certain functions of the deputy clerk of
14 the court be funded by the county; amending s.
15 34.041, F.S.; increasing the initial filing
16 fees for instituting various civil actions;
17 providing for distribution of the proceeds of
18 the filing fees; prohibiting counties from
19 assessing additional service charges or fees;
20 deleting provisions authorizing the judge to
21 waive the service charge for a civil action;
22 requiring counties and municipalities to pay a
23 service charge for instituting an appellate
24 proceeding; deleting a service charge assessed
25 against plaintiffs; amending s. 34.191, F.S.;
26 requiring that certain fines and forfeitures be
27 remitted to the clerk of the court rather than
28 the county; authorizing the clerk rather than
29 the board of county commissioners to assign the
30 collection of charges and fines to a private
31 attorney or collection agency; amending s.

1 44.108, F.S.; deleting provisions authorizing a
2 county to levy service charges for court
3 mediation and arbitration; amending s. 55.505,
4 F.S.; increasing the service charge for
5 recording a foreign judgment; amending s.
6 55.10, F.S.; increasing the fee for serving a
7 certificate of lien; creating s. 55.312, F.S.;
8 imposing a service charge on certain money
9 judgments and settlement agreements in excess
10 of a specified amount, except for dissolution
11 of marriage and breaches of contract; requiring
12 proceeds of the charge to be used to pay court
13 costs; providing for the service charge to be
14 paid by any party or allocated to more than one
15 party; requiring the Department of Revenue to
16 adopt rules to provide for remitting such
17 charge to the department for deposit into the
18 General Revenue Fund; prohibiting an attorney
19 from disbursing certain proceeds until service
20 charge is paid; providing a penalty for failure
21 to pay the service charge; requiring the
22 Department of Revenue to report to the
23 Legislature each year on the amount received in
24 the prior calendar year; amending s. 61.14,
25 F.S.; increasing certain fees assessed for
26 delinquency of child support and alimony;
27 amending s. 142.01, F.S.; providing for the
28 clerk of the court to establish a fine and
29 forfeiture fund in each county to be used to
30 pay the costs of court-related functions;
31 deleting provisions authorizing counties to

1 receive funds to pay the cost of criminal
2 prosecutions and transfer excess funds to the
3 county general fund; amending s. 142.02, F.S.;
4 limiting the use of county funds from a levy of
5 a special tax to pay for the cost of criminal
6 prosecutions; amending s. 142.03, F.S.;
7 requiring that fines and forfeitures be used to
8 pay the costs of court-related functions;
9 amending s. 142.15, F.S.; requiring that fees
10 collected by the sheriff be remitted to the
11 clerk in the county where the crime was alleged
12 to have been committed; amending s. 142.16,
13 F.S.; requiring that fines and forfeitures be
14 remitted to the clerk in the county in which
15 the case was adjudicated; amending s. 145.022;
16 prohibiting a county from appropriating a
17 salary to the clerk of the court based on the
18 fees collected; amending s. 212.20, F.S.;
19 revising the distribution of the proceeds from
20 certain local-option taxes; amending s. 218.35,
21 F.S.; deleting provisions requiring the clerk
22 of the court to file a budget with the state
23 court administrator and the board of county
24 commissioners; amending s. 318.15, F.S.;
25 increasing various fees for persons failing to
26 comply with civil penalties, attend driver
27 improvement school, or appear at a hearing;
28 amending s. 318.18, F.S.; increasing various
29 fees for penalties for noncriminal
30 dispositions; creating additional charges and
31 fees to be paid to the clerk of the court;

1 increasing the fee to dismiss citations and the
2 administrative fee for cases in which
3 adjudication is withheld; amending s. 318.21,
4 F.S.; increasing the portion of civil penalties
5 which are paid to the clerk of the court;
6 amending s. 322.245, F.S.; increasing the
7 delinquency fee for persons charged with
8 specified criminal offenses who fail to comply
9 with the directives of the court; amending s.
10 327.73, F.S.; increasing the charge for court
11 costs for failure to comply with the court's
12 requirements or failure to pay specified civil
13 penalties; amending s. 382.023, F.S.;
14 increasing the fee for dissolution of marriage;
15 increasing the portion to be retained by the
16 circuit court and the portion remitted to the
17 state; amending s. 713.24, F.S.; increasing the
18 fee for certain services performed by the clerk
19 of the court in transferring liens; amending s.
20 744.3135, F.S.; increasing the fee paid to the
21 clerk of the court for processing guardian
22 files; amending s. 744.365, F.S.; increasing
23 the fee paid to the clerk of the court for an
24 inventory filed by a guardian; deleting
25 provisions requiring that the county pay the
26 auditing fee when such fee is waived by the
27 court; amending s. 744.3678, F.S.; increasing
28 the fees paid by the guardian to the clerk of
29 the court for filing an annual financial
30 return; creating s. 921.26, F.S.; requiring
31 that certain court costs be collected before

1 any other court cost; creating s. 938.02, F.S.;
2 imposing a court cost against persons who plead
3 guilty or nolo contendere, or who are convicted
4 of any felony, misdemeanor, or criminal traffic
5 offense; prohibiting the court from waiving the
6 court cost; authorizing the collection of
7 unpaid court costs from any moneys or accounts
8 of incarcerated persons; providing for the
9 clerk to retain a portion of the court cost
10 charge in misdemeanor cases or criminal traffic
11 cases; requiring all other court costs to be
12 remitted to the Department of Revenue for
13 deposit in the General Revenue Fund; amending
14 s. 938.05, F.S.; providing for disposition of
15 traffic fines; amending s. 938.35, F.S.;
16 authorizing the clerk of the court, rather than
17 the county, to collect fines, court costs, and
18 other charges through a private attorney or
19 collection agent; amending ss. 26.012, 27.06,
20 34.01, 48.20, 316.635, 373.603, 381.0012,
21 450.121, 560.306, 633.14, 648.44, 817.482,
22 828.122, 832.05, 876.42, 893.12, 901.01,
23 901.02, 901.07, 901.08, 901.09, 901.11, 901.12,
24 901.25, 902.15, 902.17, 902.20, 902.21, 903.03,
25 903.32, 903.34, 914.22, 923.01, 933.01, 933.06,
26 933.07, 933.10, 933.101, 933.13, 933.14,
27 939.02, 939.14, 941.13, 941.14, 941.15, 941.17,
28 941.18, 947.141, 948.06, 985.05, F.S., relating
29 to various court procedures; redesignating
30 "magistrates" as "trial court judges"; amending
31 ss. 56.071, 56.29, 61.1826, 64.061, 65.061,

1 69.051, 70.51, 92.142, 112.41, 112.43, 112.47,
2 162.03, 162.06, 162.09, 173.09, 173.10, 173.11,
3 173.12, 194.013, 194.034, 194.035, 206.16,
4 207.016, 320.411, 393.11, 394.467, 397.311,
5 397.681, 447.207, 447.403, 447.405, 447.407,
6 447.409, 475.011, 489.127, 489.531, 496.420,
7 501.207, 501.618, 559.936, 582.23, 631.182,
8 631.331, 633.052, 744.369, 760.11, 837.011,
9 838.014, 839.17, 916.107, 938.30, 945.43, F.S.,
10 relating to various administrative and judicial
11 proceedings; redesignating "masters" and
12 "general or special masters" as "general or
13 special magistrates"; repealing ss. 142.04,
14 142.05, 142.06, 142.07, 142.08, 142.09, 142.10,
15 142.11, 142.12, 142.13, and 939.18, F.S.,
16 relating to compensation to witnesses and
17 others from the fine and forfeiture fund and
18 the imposition of additional court costs used
19 by the county in paying for court facilities;
20 providing effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Effective July 1, 2004, section 27.3455,
25 Florida Statutes, is amended to read:

26 27.3455 Annual statement of certain revenues and
27 expenditures.--

28 (1) Each county shall submit annually to the Chief
29 Financial Officer ~~Comptroller~~ a statement of revenues and
30 expenditures as set forth in this section in the form and
31 manner prescribed by the Chief Financial Officer ~~Comptroller~~

1 in consultation with the Legislative Committee on
2 Intergovernmental Relations, provided that such statement
3 identify total county expenditures on:

4 ~~(a) Medical examiner services.~~

5 ~~(b) County victim witness programs.~~

6 ~~(c) each of the services outlined in s. 29.008 ss.
7 27.34(2) and 27.54(3).~~

8 ~~(d) Appellate filing fees in criminal cases in which
9 an indigent defendant appeals a judgment of a county or
10 circuit court to a district court of appeal or the Florida
11 Supreme Court.~~

12 ~~(e) Other court-related costs of the state attorney
13 and public defender that were paid by the county where such
14 costs were included in a judgment or order rendered by the
15 trial court against the county.~~

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17 ~~Such statement also shall identify the revenues provided by s.
18 938.05(1) that were used to meet or reimburse the county for
19 such expenditures.~~

20 (2)(a) Within 6 months of the close of the local
21 government fiscal year, each county shall submit to the Chief
22 Financial Officer~~Comptroller~~ a statement of compliance from
23 its independent certified public accountant, engaged pursuant
24 to s. 218.39, that the certified statement of expenditures was
25 in accordance with s. 29.008 ss. 27.34(2), 27.54(3), and this
26 section. All discrepancies noted by the independent certified
27 public accountant shall be included in the statement furnished
28 by the county to the Chief Financial Officer ~~Comptroller~~.

29 ~~(b) Should the Comptroller determine that additional
30 auditing procedures are appropriate because:~~

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1 ~~1. The county failed to submit timely its annual~~
2 ~~statement;~~

3 ~~2. Discrepancies were noted by the independent~~
4 ~~certified public accountant; or~~

5 ~~3. The county failed to file before March 31 of each~~
6 ~~year the certified public accountant statement of compliance,~~
7 ~~the Comptroller is hereby authorized to send his or her~~
8 ~~personnel or to contract for services to bring the county into~~
9 ~~compliance. The costs incurred by the Comptroller shall be~~
10 ~~paid promptly by the county upon certification by the~~
11 ~~Comptroller.~~

12 ~~(c) Where the Comptroller elects to utilize the~~
13 ~~services of an independent contractor, such certification by~~
14 ~~the Comptroller may require the county to make direct payment~~
15 ~~to a contractor. Any funds owed by a county in such matters~~
16 ~~shall be recovered pursuant to s. 17.04 or s. 17.041.~~

17 ~~(3) The priority for the allocation of funds collected~~
18 ~~pursuant to s. 938.05(1) shall be as follows:~~

19 ~~(a) Forty percent of funds collected monthly shall be~~
20 ~~deposited by the clerk in the General Revenue Fund for the~~
21 ~~state.~~

22 ~~(b) Twenty percent shall be deposited by the clerk in~~
23 ~~a trust fund administered by the Justice Administration~~
24 ~~Commission for the benefit of the state attorney. The Justice~~
25 ~~Administrative Commission shall account for these funds on a~~
26 ~~circuit basis, and appropriations from the fund shall be~~
27 ~~proportional to each circuit's collections.~~

28 ~~(c) Twenty percent shall be deposited by the clerk in~~
29 ~~the Indigent Criminal Defense Trust Fund pursuant to s.~~
30 ~~27.525. The Justice Administrative Commission shall account~~
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1 for these funds on a circuit basis, and appropriations from
2 the fund shall be proportional to each circuit's collections.

3 (d) Twenty percent shall be deposited by the clerk in
4 the Court Education Fund pursuant to s. 25.384.

5 ~~(a) Reimbursement to the county for actual county~~
6 ~~expenditures incurred in providing the state attorney and~~
7 ~~public defender the services outlined in ss. 27.34(2) and~~
8 ~~27.54(3), with the exception of office space, utilities, and~~
9 ~~custodial services.~~

10 ~~(b) At the close of the local government fiscal year,~~
11 ~~funds remaining on deposit in the special trust fund of the~~
12 ~~county after reimbursements have been made pursuant to~~
13 ~~paragraph (a) shall be reimbursed to the county for actual~~
14 ~~county expenditures made in support of the operations and~~
15 ~~services of medical examiners, including the costs associated~~
16 ~~with the investigation of state prison inmate deaths. Special~~
17 ~~county trust fund revenues used to reimburse the county for~~
18 ~~medical examiner expenditures in any year shall not exceed \$1~~
19 ~~per county resident.~~

20 ~~(c) At the close of the local government fiscal year,~~
21 ~~counties establishing or having in existence a comprehensive~~
22 ~~victim-witness program which meets the standards set by the~~
23 ~~Crime Victims' Services Office shall be eligible to receive 50~~
24 ~~percent matching moneys from the balance remaining in the~~
25 ~~special trust fund after reimbursements have been made~~
26 ~~pursuant to paragraphs (a) and (b). Special trust fund moneys~~
27 ~~used in any year to supplement such programs shall not exceed~~
28 ~~25 cents per county resident.~~

29 ~~(d) At the close of the local government fiscal year,~~
30 ~~funds remaining in the special trust fund after reimbursements~~
31 ~~have been made pursuant to paragraphs (a), (b), and (c) shall~~

1 ~~be used to reimburse the county for county costs incurred in~~
2 ~~the provision of office space, utilities, and custodial~~
3 ~~services to the state attorney and public defender, for county~~
4 ~~expenditures on appellate filing fees in criminal cases in~~
5 ~~which an indigent defendant appeals a judgment of a county or~~
6 ~~circuit court to a district court of appeal or the Florida~~
7 ~~Supreme Court, and for county expenditures on court-related~~
8 ~~costs of the state attorney and public defender that were paid~~
9 ~~by the county, provided that such court-related costs were~~
10 ~~included in a judgment or order rendered by the trial court~~
11 ~~against the county. Where a state attorney or a public~~
12 ~~defender is provided space in a county-owned facility,~~
13 ~~responsibility for calculating county costs associated with~~
14 ~~the provision of such office space, utilities, and custodial~~
15 ~~services is hereby vested in the Comptroller in consultation~~
16 ~~with the Legislative Committee on Intergovernmental Relations.~~

17 ~~(4) At the end of the local government fiscal year,~~
18 ~~all funds remaining on deposit in the special trust fund after~~
19 ~~all reimbursements have been made as provided for in~~
20 ~~subsection (3) shall be forwarded to the Treasurer for deposit~~
21 ~~in the General Revenue Fund of the state.~~

22 ~~(4)(5) The Chief Financial Officer ~~Comptroller~~ shall~~
23 ~~adopt any rules necessary to implement his or her~~
24 ~~responsibilities pursuant to this section.~~

25 Section 2. Effective July 1, 2004, section 27.562,
26 Florida Statutes, is amended to read:

27 27.562 Disposition of funds.--All funds collected
28 pursuant to s. 938.29, except the application fee imposed
29 under s. 27.52, shall be allocated as follows:~~remitted to the~~
30 ~~board of county commissioners of the county in which the~~
31 ~~judgment was entered. Such funds shall be placed in the fine~~

1 ~~and forfeiture fund of that county to be used to defray the~~
2 ~~expenses incurred by the county in defense of criminal~~
3 ~~prosecutions. All judgments entered pursuant to this part~~
4 ~~shall be in the name of the county in which the judgment was~~
5 ~~rendered.~~

6 (a) Forty percent of funds collected monthly shall be
7 deposited by the clerk in the General Revenue Fund for the
8 state.

9 (b) Twenty percent shall be deposited by the clerk in
10 a trust fund administered by the Justice Administration
11 Commission for the benefit of the state attorney. The Justice
12 Administrative Commission shall account for these funds on a
13 circuit basis, and appropriations from the fund shall be
14 proportional to each circuit's collections.

15 (c) Twenty percent shall be deposited by the clerk in
16 the Indigent Criminal Defense Trust Fund pursuant to s.
17 27.525. The Justice Administrative Commission shall account
18 for these funds on a circuit basis, and appropriations from
19 the fund shall be proportional to each circuit's collections.

20 (d) Twenty percent shall be deposited by the clerk in
21 the Court Education Fund pursuant to s. 25.384.

22 Section 3. Subsection (2) of section 28.101, Florida
23 Statutes, is amended to read:

24 28.101 Petitions and records of dissolution of
25 marriage; additional charges.--

26 (2) Upon receipt of a final judgment of dissolution of
27 marriage for filing, and in addition to the filing charges in
28 s. 28.241, the clerk shall collect and receive a service
29 charge of ~~\$10.50~~^{\$7} pursuant to s. 382.023 for the recording
30 and reporting of such final judgment of dissolution of
31 marriage to the Department of Health.

1 Section 4. Section 43.195, Florida Statutes, is
2 renumbered as section 28.213, Florida Statutes, and amended to
3 read:

4 28.213 ~~43.195~~ Disposal of physical evidence filed as
5 exhibits.--The clerk of any circuit court or county court may
6 dispose of items of physical evidence which have been held as
7 exhibits in excess of 3 years in cases on which no appeal, or
8 collateral attack, is pending or can be made. Items of
9 evidence having no monetary value which are designated by the
10 clerk for removal shall be disposed of as unusable refuse.
11 Items of evidence having a monetary value which are designated
12 for removal by the clerk shall be sold and the revenue placed
13 in the clerk's general revenue fund.

14 Section 5. Section 28.24, Florida Statutes, is amended
15 to read:

16 28.24 Service charges by clerk of the circuit
17 court.--The clerk of the circuit court shall make the
18 following charges for services rendered by the clerk's office
19 in recording documents and instruments and in performing the
20 duties enumerated. ~~However, in those counties where the~~
21 ~~clerk's office operates as a fiscal unit of the county~~
22 ~~pursuant to s. 145.022(1), the clerk shall not charge the~~
23 ~~county for such services.~~

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Charges

27 (1) For civil court attendance by each clerk or deputy
28 clerk, per day, assessed against the nonprevailing
29 party.....\$112.50 ~~\$75.00~~

30 (2) For court minutes, per page.....7.50 ~~5.00~~

31

- 1 (3) For examining, comparing, correcting, verifying,
2 and certifying transcripts of record in appellate proceedings,
3 prepared by attorney for appellant or someone else other than
4 clerk per page.....4.50 ~~3.00~~
- 5 (4) For preparing, numbering, and indexing an original
6 record of appellate proceedings, per instrument.....3.00 ~~2.00~~
- 7 (5) For certifying copies of any instrument in the
8 public records.....1.50 ~~1.00~~
- 9 (6) For verifying any instrument presented for
10 certification prepared by someone other than clerk,
11 per page..... 3.00 ~~2.00~~
- 12 (7) For making and reporting payrolls of jurors to
13 State Comptroller, per page, per copy.....7.50 ~~5.00~~
- 14 (8)(a) For making copies by photographic process of
15 any instrument in the public records consisting of pages of
16 not more than 14 inches by 8 1/2 inches, per page.....1.00
- 17 (b) For making copies by photographic process of any
18 instrument in the public records of more than 14 inches by 8
19 1/2 inches, per page.....5.00
- 20 (9) For making microfilm copies of any public records:
21 (a) 16 mm 100' microfilm roll.....37.50 ~~25.00~~
22 (b) 35 mm 100' microfilm roll.....52.50 ~~35.00~~
23 (c) Microfiche, per fiche.....3.00 ~~2.00~~
- 24 (10) For copying any instrument in the public records
25 by other than photographic process, per page.....6.00 ~~4.00~~
- 26 (11) For writing any paper other than herein
27 specifically mentioned, same as for copying, including signing
28 and sealing.....6.00 ~~4.00~~
- 29 (12) For indexing each entry not recorded.....1.00
- 30 (13) For receiving money into the registry of court:
31 (a)1. First \$500, percent.....3 ~~2~~

1 2. Each subsequent \$100, percent.....1.5 ±
2 (b) Eminent domain actions, per deposit.....\$150.00
3 ~~\$100.00~~
4 (14) For examining, certifying, and recording plats
5 and for recording condominium exhibits larger than 14 inches
6 by 8 1/2 inches:
7 (a) First page.....30.00
8 (b) Each additional page.....15.00
9 (15) For recording, indexing, and filing any
10 instrument not more than 14 inches by 8 1/2 inches, including
11 required notice to property appraiser where applicable:
12 (a) First page or fraction thereof.....5.00
13 (b) Each additional page or fraction thereof.....4.00
14 (c) For indexing instruments recorded in the official
15 records which contain more than four names, per additional
16 name.....1.00
17 (d) An additional service charge shall be paid to the
18 clerk of the circuit court to be deposited in the Public
19 Records Modernization Trust Fund for each instrument listed in
20 s. 28.222, except judgments received from the courts and
21 notices of lis pendens, recorded in the official records:
22 1. First page.....1.00
23 2. Each additional page.....0.50
24
25 Said fund shall be held in trust by the clerk and used
26 exclusively for equipment and maintenance of equipment,
27 personnel training, and technical assistance in modernizing
28 the public records system of the office. In a county where
29 the duty of maintaining official records exists in an office
30 other than the office of the clerk of the circuit court, the
31 clerk of the circuit court is entitled to 25 percent of the

1 moneys deposited into the trust fund for equipment,
2 maintenance of equipment, training, and technical assistance
3 in modernizing the system for storing records in the office of
4 the clerk of the circuit court. The fund may not be used for
5 the payment of travel expenses, membership dues, bank charges,
6 staff-recruitment costs, salaries or benefits of employees,
7 construction costs, general operating expenses, or other costs
8 not directly related to obtaining and maintaining equipment
9 for public records systems or for the purchase of furniture or
10 office supplies and equipment not related to the storage of
11 records. On or before December 1, 1995, and on or before
12 December 1 of each year immediately preceding each year during
13 which the trust fund is scheduled for legislative review under
14 s. 19(f)(2), Art. III of the State Constitution, each clerk of
15 the circuit court shall file a report on the Public Records
16 Modernization Trust Fund with the President of the Senate and
17 the Speaker of the House of Representatives. The report must
18 itemize each expenditure made from the trust fund since the
19 last report was filed; each obligation payable from the trust
20 fund on that date; and the percentage of funds expended for
21 each of the following: equipment, maintenance of equipment,
22 personnel training, and technical assistance. The report must
23 indicate the nature of the system each clerk uses to store,
24 maintain, and retrieve public records and the degree to which
25 the system has been upgraded since the creation of the trust
26 fund.

- 27 (16) Oath, administering, attesting, and sealing, not
28 otherwise provided for herein.....3.00 ~~2.00~~
29 (17) For validating certificates, any authorized
30 bonds, each.....3.00 ~~2.00~~
31 (18) For preparing affidavit of domicile.....5.00

1	(19) For exemplified certificates, including signing		
2	and sealing.....	<u>6.00</u>	4.00
3	(20) For authenticated certificates, including signing		
4	and sealing.....	<u>6.00</u>	4.00
5	(21)(a) For issuing and filing a subpoena for a		
6	witness, not otherwise provided for herein (includes writing,		
7	preparing, signing, and sealing).....	<u>6.00</u>	4.00
8	(b) For signing and sealing only.....	<u>1.50</u>	1.00
9	(22) For issuing venire facias (includes writing,		
10	preparing, signing, and sealing).....	<u>7.50</u>	5.00
11	(23) For paying of witnesses and making and reporting		
12	payroll to State Comptroller, per copy, per page.....	<u>7.50</u>	5.00
13	(24) For approving bond.....	<u>7.50</u>	5.00
14	(25) For searching of records, for each year's		
15	search.....	<u>1.50</u>	1.00
16	(26) For processing an application for a tax deed sale		
17	(includes application, sale, issuance, and preparation of tax		
18	deed, and disbursement of proceeds of sale), other than excess		
19	proceeds.....	60.00	
20	(27) For disbursement of excess proceeds of tax deed		
21	sale, first \$100 or fraction thereof.....	10.00	
22	(28) Upon receipt of an application for a marriage		
23	license, for preparing and administering of oath; issuing,		
24	sealing, and recording of the marriage license; and providing		
25	a certified copy.....	<u>30.00</u>	20.00
26	(29) For solemnizing matrimony.....	<u>30.00</u>	20.00
27	(30) For sealing any court file or expungement of any		
28	record.....	<u>37.50</u>	25.00
29	(31) For receiving and disbursing all restitution		
30	payments, per payment.....	<u>3.00</u>	2.00
31			

1 (32) Postal charges incurred by the clerk of the
2 circuit court in any mailing by certified or registered mail
3 shall be paid by the party at whose instance the mailing is
4 made.

5 (33) For furnishing an electronic copy of information
6 contained in a computer database: a fee as provided for in
7 chapter 119.

8 Section 6. Section 28.241, Florida Statutes, is
9 amended to read:

10 28.241 Filing charges for trial and appellate
11 proceedings.--

12 (1)(a) The party instituting any civil action, suit,
13 or proceeding in the circuit court shall pay to the clerk of
14 that court an initial ~~a~~ service charge of ~~\$300~~~~\$40~~ in all
15 cases in which there are not more than five defendants and an
16 additional service charge of \$2 for each defendant in excess
17 of five. Sixty-five dollars of the initial filing fee must be
18 remitted by the clerk to the Department of Revenue for deposit
19 into the General Revenue Fund; \$2.50 of the initial filing fee
20 must be remitted by the clerk to the Department of Revenue for
21 deposit into the Court Education Trust Fund; \$5 must be
22 remitted by the clerk of the court to the Florida Association
23 of Court Clerks for deposit in the Clerk of the Court
24 Operations Conference Operating Fund and \$10 must be remitted
25 by the clerk of the court to the Florida Association of Court
26 Clerks for deposit in the Clerk of the Court Operations
27 Conference Contingency Fund.An additional service charge of
28 ~~\$15~~~~\$10~~ shall be paid by the party seeking each severance that
29 is granted. An additional service charge of ~~\$75~~~~\$35~~ shall be
30 paid to the clerk for all proceedings of garnishment,
31 attachment, replevin, and distress. ~~An additional service~~

1 ~~charge of \$8 shall be paid to the clerk for each civil action~~
2 ~~filed, \$7 of such charge to be remitted by the clerk to the~~
3 ~~Department of Revenue for deposit into the General Revenue~~
4 ~~Fund unallocated. An additional charge of \$2.50 shall be paid~~
5 ~~to the clerk for each civil action brought in circuit or~~
6 ~~county court, to be remitted by the clerk to the Department of~~
7 ~~Revenue for deposit into the Court Education Trust Fund.~~
8 ~~Service charges in excess of those herein fixed may be imposed~~
9 ~~by the governing authority of the county by ordinance or by~~
10 ~~special or local law; and such excess shall be expended as~~
11 ~~provided by such ordinance or any special or local law, now or~~
12 ~~hereafter in force, to provide and maintain facilities,~~
13 ~~including a law library, for the use of the courts of the~~
14 ~~county wherein the service charges are collected; to provide~~
15 ~~and maintain equipment; or for a legal aid program in such~~
16 ~~county. In addition, the county is authorized to impose, by~~
17 ~~ordinance or by special or local law, a fee of up to \$15 for~~
18 ~~each civil action filed, for the establishment, maintenance,~~
19 ~~or supplementation of a public guardian pursuant to ss.~~
20 ~~744.701-744.708, inclusive. Postal charges incurred by the~~
21 ~~clerk of the circuit court in making service by certified or~~
22 ~~registered mail on defendants or other parties shall be paid~~
23 ~~by the party at whose instance service is made. That part of~~
24 ~~the within fixed or allowable service charges which is not by~~
25 ~~local or special law applied to the special purposes shall~~
26 ~~constitute the total service charges of the clerk of such~~
27 ~~court for all services performed by him or her in civil~~
28 ~~actions, suits, or proceedings. No additional fees, charges,~~
29 ~~or costs shall be added to the initial service charge except~~
30 ~~as authorized by general law.The sum of all service charges~~
31 ~~and fees permitted under this subsection may not exceed \$200;~~

1 ~~however, the \$200 cap may be increased to \$210 in order to~~
2 ~~provide for the establishment, maintenance, or supplementation~~
3 ~~of a public guardian as indicated in this subsection.~~

4 (b) A party reopening any civil action, suit, or
5 proceeding in the circuit court shall pay to the clerk of
6 court a filing fee set by the clerk in an amount not to exceed
7 \$50. In the case of a petition for modification of a final
8 judgement of dissolution, that portion of the fee paid
9 pursuant to s. 44.108 shall be deducted from the fee required
10 in this paragraph. For purposes of this section, a case is
11 reopened when a case previously reported as disposed of is
12 resubmitted to a court.

13 ~~(2) The clerk of the circuit court of any county in~~
14 ~~the state who operates his or her office from fees and service~~
15 ~~charges collected, as opposed to budgeted allocations from~~
16 ~~county general revenue, shall be paid by the county as service~~
17 ~~charges for all services to be performed by him or her in any~~
18 ~~criminal or juvenile action or proceeding in such court, in~~
19 ~~lieu of all other service charges heretofore charged, except~~
20 ~~as hereinafter provided, the sum of \$40 for each defendant or~~
21 ~~juvenile. However, in cases involving capital punishment the~~
22 ~~charge shall be \$50. In any county where a law creates a law~~
23 ~~library fund or other special fund, this charge may be~~
24 ~~increased for that purpose by a special or local law or an~~
25 ~~ordinance. The sum of all service charges and fees permitted~~
26 ~~under this subsection may not exceed \$200.~~

27 (2)(3) Upon the institution of any appellate
28 proceeding from any inferior court to the circuit court of any
29 such county or from the circuit court to an appellate court of
30 the state, the clerk shall charge and collect from the party
31 or parties instituting such appellate proceedings a service

1 charge of ~~\$250~~^{\$75} for filing a notice of appeal from an
2 inferior court or ~~and \$50~~ for filing a notice of appeal to a
3 higher court.

4 ~~(3)(4)~~ A service charge or a fee may not be imposed
5 upon a party for responding by pleading, motion, or other
6 paper to a civil or criminal action, suit, proceeding, or
7 appeal in a circuit court.

8 ~~(4)(5)~~ The fees prescribed in this section do not
9 include the service charges required by law for the clerk as
10 provided in s. 28.24 or by other sections of the Florida
11 Statutes. Service charges authorized by this section may not
12 be added to any civil penalty imposed by chapter 316 or
13 chapter 318.

14 Section 7. Section 28.2401, Florida Statutes, is
15 amended to read:

16 28.2401 Service charges in probate matters.--

17 (1) Except when otherwise provided, the initial
18 service charges for the following services shall be:

19 (a) For the opening of any estate of one document or
20 more, including, but not limited to, petitions and orders to
21 approve settlement of minor's claims; to open a safe-deposit
22 box; to enter rooms and places; for the determination of
23 heirs, if not formal administration; and for a foreign
24 guardian to manage property of a nonresident; but not to
25 include issuance of letters or order of summary and family
26 administration.....\$100.00 ~~\$20.00~~

27 (b) Caveat.....100.00 ~~15.00~~

28 (c) Petition and order to admit foreign wills,
29 authenticated copies, exemplified copies, or transcript to
30 record.....100.00 ~~30.00~~

31

1 (d) For disposition of personal property without
2 administration.....100.00 ~~20.00~~
3 (e) Summary administration.....200.00 ~~35.00~~
4 (f) Family administration.....60 ~~45.00~~
5 (g) Formal administration, guardianship, ancillary,
6 curatorship, or conservatorship proceedings.....250.00 ~~75.00~~
7 (h) Guardianship proceedings of person
8 only.....100.00 ~~25.00~~
9 (i) Veterans' guardianship pursuant to chapter
10 744.....100.00 ~~25.00~~
11 (j) Exemplified certificates.....6.00 ~~4.00~~
12 (k) Petition for determination of
13 incompetency.....100.00 ~~25.00~~
14 (2) Upon application by the clerk and a showing of
15 extraordinary circumstances, the service charges set forth in
16 this section may be increased in an individual matter by order
17 of the circuit court before which the matter is pending, to
18 more adequately compensate for the services performed.
19 (3) ~~Service charges in excess of those fixed in this~~
20 ~~section may be imposed by the governing authority of the~~
21 ~~county by ordinance, or by special or local law, to provide~~
22 ~~and maintain facilities, including a law library; to or local~~
23 ~~law, to provide and maintain facilities, including a law~~
24 ~~library; to provide and maintain equipment; or to provide or~~
25 ~~maintain a legal aid program. Service charges other than those~~
26 ~~fixed in this section shall be governed by s. 28.24.~~An
27 additional service charge of \$2.50 on petitions seeking
28 summary administration, family administration, formal
29 administration, ancillary administration, guardianship,
30 curatorship, and conservatorship shall be paid to the clerk.
31 The clerk shall transfer the \$2.50 to the Department of

1 Revenue for deposit into the Court Education Trust Fund. No
2 additional fees, charges, or costs shall be added to the
3 initial service charges except as authorized by general law.

4 (4) Recording shall be required for all petitions
5 opening and closing an estate; petitions regarding real
6 estate; and orders, letters, bonds, oaths, wills, proofs of
7 wills, returns, and such other papers as the judge shall deem
8 advisable to record or that shall be required to be recorded
9 under the Florida Probate Law.

10 Section 8. Section 28.2402, Florida Statutes, is
11 created to read:

12 28.2402 Additional costs for performance of clerk
13 court-related functions.--The sum of \$200 shall be assessed to
14 a county or municipality when filing a county or municipal
15 code or ordinance violation in civil court. The \$200 fee shall
16 be paid to the clerk of the circuit and county court for
17 performing his or her court-related functions.

18 Section 9. Effective July 1, 2003, section 28.246,
19 Florida Statutes, is created to read:

20 28.246 Payment of court-related fees, charges, and
21 costs; partial payments; distribution of funds.--

22 (1) Beginning July 1, 2003, the clerk of the circuit
23 court shall report the following information to the
24 Legislature on a form developed by the Department of Financial
25 Services:

26 (a) The total amount of mandatory fees, service
27 charges, and costs; the total amount actually assessed; the
28 total amount discharged or waived; and the total amount
29 collected.

30 (b) The maximum amount of discretionary fees, service
31 charges, and costs authorized; the total amount actually

1 assessed; the total amount discharged or waived; and the total
2 amount collected.

3 (c) The total amount of mandatory fines and other
4 monetary penalties; the total amount assessed; the total
5 amount discharged or waived; and the total amount collected.

6 (d) The maximum amount of mandatory fines and other
7 monetary penalties; the total amount assessed; the total
8 amount discharged or waived; and the total amount collected.

9
10 The clerk shall submit the report 30 days after the end of
11 each quarter for the period from July 1, 2003, through June
12 30, 2004, and annually thereafter, 60 days after the end of
13 the county fiscal year.

14 (2) The clerk of the circuit court shall establish and
15 maintain a system of accounts receivable for court-related
16 fees, charges, and costs.

17 (3) Each clerk of the circuit court shall enter into a
18 payment plan with defendants determined to be indigent and who
19 demonstrate an inability to pay court-related fees, charges,
20 and costs in full.

21 (4) The clerk of the circuit court shall accept
22 partial payments for unpaid court-related fees, charges, and
23 costs in accordance with the terms of an established payment
24 plan.

25 (5) When receiving partial payment of fees, service
26 charges, court costs, and fines, clerks shall distribute funds
27 according to the following order of priority:

28 (a) That portion of fees, service charges, court
29 costs, and fines payable to the clerk.

30 (b) That portion of fees, service charges, court
31 costs, and fines payable to the state for Article V-related

1 purposes, allocated on a pro rata basis among the various
2 authorized recipients if the total collection amount is
3 insufficient to fully fund all such recipients as provided by
4 law.

5 (c) That portion of fees, service charges, court
6 costs, and fines payable to the General Revenue Fund.

7 (d) That portion of fees, service charges, court
8 costs, and fines payable to the state for other non-Article
9 V-related purposes, allocated on a pro rata basis among the
10 various authorized recipients if the total collection amount
11 is insufficient to fully fund all such recipients as provided
12 by law.

13 (e) That portion of fees, service charges, court
14 costs, and fines payable to counties, municipalities, or other
15 local entities, allocated on a pro rata basis among the
16 various authorized recipients if the total collection amount
17 is insufficient to fully fund all such recipients as provided
18 by law.

19
20 To offset processing costs, each clerk may retain up to 1
21 percent of all collections of fees, service charges, court
22 costs, and fines payable to other entities, except as
23 otherwise provided by general law.

24 (6) A clerk of court may pursue the collection of any
25 finances, court costs, or other costs imposed by the court which
26 remain unpaid for 90 days or longer, or refer such collection
27 to a private attorney who is a member in good standing of The
28 Florida Bar or collection agent who is registered and in good
29 standing pursuant to chapter 559. In pursuing the collection
30 of such unpaid financial obligations through a private
31 attorney or collection agent, the clerk of the court must

1 determine that the collection is cost-effective and follow
2 applicable procurement practices.

3 Section 10. Effective May 1, 2004, section 28.35,
4 Florida Statutes, is created to read:

5 28.35 Clerk of Court Operations Conference.--

6 (1) The Clerk of Court Operations Conference is
7 created and shall be composed of:

8 (a) Four clerks appointed by the Florida Association
9 of Court Clerks, with one clerk from a county of fewer than
10 100,000 residents, one clerk from a county of more than
11 100,000 residents but fewer than 500,000 residents, one clerk
12 from a county of more than 500,000 residents but fewer than 1
13 million residents, and one clerk from a county of more than 1
14 million residents.

15 (b) The Chief Justice of the Supreme Court or his or
16 her designee.

17 (2) The duties of the conference shall include:

18 (a) Periodically recommending to the Legislature
19 changes in the various court-related fee and services charge
20 schedules established by law to ensure reasonable and adequate
21 funding of the clerks of the circuit court in the performance
22 of their court-related duties.

23 (b) Establishing a process for the review of
24 court-related budgets submitted by clerks of the circuit court
25 pursuant to s. 28.36 and determining the appropriate payments
26 to be made from the Clerk of Court Operations Conference
27 Contingency Fund established by subparagraph (3)(b) to any
28 clerk of the circuit court whose reasonable and necessary
29 expenditures for court-related duties exceed anticipated
30 available revenues for that office.

31

1 (c) Developing and implementing a system of
2 performance accountability measurements that provides for the
3 objective accountability of each clerk of the circuit court
4 for fiscal management and efficient operations.

5 (d) Developing and implementing an appropriate program
6 for clerk education which shall be funded from operating funds
7 of the conference.

8 (e) Recommending to the Legislature appropriate plans
9 for the development, implementation, and operation of an
10 integrated, comprehensive statewide case-information system
11 that provides for uniform case information to be accessed by
12 all clerks and elements of the state courts system.

13 (3) The Florida Association of Court Clerks shall
14 operate a depository to receive, maintain, and disburse funds
15 to pay for the duties and responsibilities of the conference
16 enumerated in this section. The depository must maintain funds
17 in two financial accounts as follows:

18 (a) The Clerk of Court Operations Conference Operating
19 Fund shall be funded by fees collected by the clerk for filing
20 a civil action in circuit court as provided in s. 28.241 and
21 remitted to the Florida Association of Court Clerks
22 depository. These funds shall be available to the conference
23 for the performance of the duties and responsibilities as set
24 forth in this section, except for the satisfaction of deficits
25 in individual clerk budgets as described in paragraph (2).

26 (b) The Clerk of Court Operations Conference
27 Contingency Fund shall be funded by fees collected by the
28 clerk for filing a civil action in circuit court as provided
29 in s. 28.241 and remitted to the Florida Association of Court
30 Clerks depository. These funds must be used exclusively for
31 payment to any clerk of the circuit court when it is

1 determined by the conference that the revenues available to a
2 clerk's office are not sufficient to satisfy the reasonable
3 and appropriate expenditures necessary to perform the
4 constitutionally and statutorily required court-related duties
5 of the office.

6 Section 11. Effective May 1, 2004, section 28.36,
7 Florida Statutes, is created to read:

8 28.36 Budget procedure.--There is established a budget
9 procedure for the court-related functions of the clerks of the
10 circuit court.

11 (1) For the period July 1, 2004, through September 30,
12 2004, and for each fiscal year ending September 30 thereafter,
13 each clerk of the circuit court shall prepare a budget
14 relating solely to the performance of the court-related
15 functions.

16 (2) Each budget shall conform to the following
17 requirements:

18 (a) On May 1, 2004, for the fiscal period of July 1,
19 2004, through September 30, 2004, and on or before September 1
20 for each fiscal year thereafter, the budget shall be prepared,
21 summarized, and submitted by the clerk in each county to the
22 Clerk of Court Operations Conference in the manner and form
23 prescribed by the conference. The budget must provide detailed
24 information on the anticipated revenues available and
25 expenditures necessary for the performance of the
26 court-related functions of the clerk's office for the county
27 fiscal year beginning the following October 1.

28 (b) The budget must be balanced, such that the total
29 of the estimated revenues available, including cash balances
30 brought forward from the prior fiscal period, and supplemental
31 revenue that may be requested pursuant to subsection (3) must

1 equal or exceed the total of the anticipated expenditures and
2 reserves. The anticipated expenditures must be itemized as
3 required by the Clerk of Court Operations Conference.

4 (c) Provision may be made for a reserve for
5 contingencies not to exceed 10 percent of the total budget.

6 (3) If a clerk of the circuit court estimates that
7 available revenues are insufficient to meet the anticipated
8 court-related expenditures of his or her office, the clerk
9 must certify to the Clerk of Court Operations conference, in
10 the manner and form prescribed by the Conference, a request
11 for supplemental funding from the Clerk of Court Operations
12 Conference Contingency Fund as necessary to comply with the
13 balanced-budget requirement of this section.

14 Section 12. Section 28.37, Florida Statutes, is
15 created to read:

16 28.37 Excess revenues remitted to the state.--

17 (1) Selected salaries, costs, and expenses of the
18 state court system and court-related functions shall be funded
19 from a portion of the revenues derived from statutory fees and
20 service charges collected by the clerks of the circuit and
21 county courts pursuant to the budgetary requirements
22 established in s. 28.36.

23 (2) Beginning January 1, 2005, for the fiscal period
24 July 1, 2004, through September 30, 2004, and each January 1
25 thereafter for each preceding fiscal period of October 1
26 through September 30, the clerk of the circuit court must
27 remit to the State Treasury for deposit in the General Revenue
28 Fund the excess revenues from statutory fees and service
29 charges collected for the clerk's court-related functions over
30 the amount needed to meet budget requirements established
31 under. s. 28.36.

1 Section 13. Effective July 1, 2004, subsection (2) of
2 section 34.032, Florida Statutes, is amended to read:

3 34.032 Power of clerk to appoint deputies.--

4 (2) Any deputy county court clerk appointed for the
5 sole purpose of issuing arrest warrants for violation of
6 chapter 316 or county or municipal ordinances triable in the
7 county courts shall have and exercise only those powers of the
8 clerk which are required to achieve such limited purpose, and
9 shall be funded by the county.

10 Section 14. Section 34.041, Florida Statutes, is
11 amended to read:

12 34.041 Filing fees ~~Service charges~~ and costs.--

13 (1) Upon the institution of any civil action or
14 proceeding in county court, the plaintiff, when filing an
15 action or proceeding, shall pay the following initial filing
16 fees ~~service charges~~:

- 17 (a) For all claims less than
18 \$100.....\$50.00 ~~\$10.00~~.
19 (b) For all claims of \$100 or more but not more than
20 \$2,500..... 150.00 ~~25.00~~.
21 (c) For all claims of more than
22 \$2,500.....300.00 ~~40.00~~.
23 (d) In addition, for all proceedings of garnishment,
24 attachment, replevin, and distress.....75.00 ~~35.00~~.
25 (e) For removal of tenant action.....300.00 ~~35.00~~.

26
27 Seven dollars of the initial filing fee shall be remitted by
28 the clerk to the Department of Revenue for deposit into the
29 General Revenue Fund of the state and \$2.50 of the initial
30 filing fee shall be remitted by the clerk to the Department of
31 Revenue for deposit into the Court Education Trust Fund.

1 Postal charges incurred by the clerk of the county court in
2 making service by mail on defendants or other parties shall be
3 paid by the party at whose instance service is made. Except
4 as provided herein, service charges for performing duties of
5 the clerk relating to the county court shall be as provided in
6 ss. 28.24 and 28.241. ~~Service charges in excess of those~~
7 ~~herein fixed may be imposed by the governing authority of the~~
8 ~~county by ordinance or by special or local law, and such~~
9 ~~excess shall be expended as provided by such ordinance or any~~
10 ~~special or local law now or hereafter in force to provide and~~
11 ~~maintain facilities, including a law library, for the use of~~
12 ~~the county court in the county in which the charge is~~
13 ~~collected; to provide and maintain equipment; or for a legal~~
14 ~~aid program.~~All filing fees shall be retained as fee income
15 of the office of the clerk of circuit court. Initial filing
16 fees ~~Service charges~~ imposed by this section may not be added
17 to any penalty imposed by chapter 316 or chapter 318. No
18 additional fees, charges, or costs shall be added to the
19 initial filing fee except as authorized by general law. ~~The~~
20 ~~sum of all service charges and fees permitted under this~~
21 ~~subsection may not exceed \$200.~~

22 (2) ~~The judge shall have full discretionary power to~~
23 ~~waive the prepayment of costs or the payment of costs accruing~~
24 ~~during the action upon the sworn written statement of the~~
25 ~~plaintiff and upon other satisfactory evidence of the~~
26 ~~plaintiff's inability to pay such costs. When costs are so~~
27 ~~waived, the notation to be made on the records shall be~~
28 ~~"Prepayment of costs waived," or "Costs waived." The term~~
29 ~~"pauper" or "in forma pauperis" shall not be employed.~~If a
30 party shall fail to pay accrued costs, though able to do so,
31 the judge shall have power to deny that party the right to

1 file any new case while such costs remain unpaid and,
2 likewise, to deny such litigant the right to proceed further
3 in any case pending. The award of other court costs shall be
4 according to the discretion of the judge who may include
5 therein the reasonable costs of bonds and undertakings and
6 other reasonable court costs incident to the suit incurred by
7 either party.

8 (3) In criminal proceedings in county courts, costs
9 shall be taxed against a person in county court upon
10 conviction or estreatment pursuant to chapter 939. The
11 provisions of s. 28.241(2) shall not apply to criminal
12 proceedings in county court.

13 (4) Upon the institution of any appellate proceeding
14 from the county court to the circuit court, there shall be
15 charged and collected from the party or parties instituting
16 such appellate proceedings, including appeals filed by a
17 county or municipality, filing fees ~~a service charge~~ as
18 provided in chapter 28.

19 (5) A charge or a fee may not be imposed upon a party
20 for responding by pleading, motion, or other paper to a civil
21 or criminal action, suit, or proceeding in a county court or
22 to an appeal to the circuit court.

23 (6) For purposes of this section, the term "plaintiff"
24 includes a county or municipality filing any civil action. ~~In~~
25 ~~addition to the filing fees provided in subsection (1), in all~~
26 ~~civil cases, the sum of \$7.00 per case shall be paid by the~~
27 ~~plaintiff when filing an action for the purpose of funding the~~
28 ~~court costs. Such funds shall be remitted by the clerk to the~~
29 ~~Department of Revenue for deposit to the General Revenue Fund.~~

30
31

1 Section 15. Effective July 1, 2004, subsections (1)
2 and (4) of section 34.191, Florida Statutes, are amended to
3 read:

4 34.191 Fines, forfeitures, and costs.--

5 (1) All fines and forfeitures arising from offenses
6 tried in the county court shall be collected and accounted for
7 by the clerk of the court ~~and deposited in a special trust~~
8 ~~account~~. All fines and forfeitures received from violations of
9 ~~ordinances or misdemeanors committed within a county, or of~~
10 municipal ordinances committed within a municipality within
11 the territorial jurisdiction of the county court, shall be
12 paid monthly to the county or municipality respectively except
13 as provided in s. 318.21 or s. 943.25. All other fines and
14 forfeitures collected by the clerk shall be considered income
15 of the office of the clerk for use in performing court-related
16 duties of the office.

17 (4) The clerk of the court ~~board of county~~
18 ~~commissioners~~ may assign the collection of fines, court costs,
19 and other costs imposed by the court that are past due for 90
20 days or more to a private attorney or collection agency that
21 is licensed or registered in this state, if the clerk of the
22 court ~~board of county commissioners~~ determines that the
23 assignment is cost-effective and follows established bid
24 practices. The clerk of the court ~~board of county~~
25 ~~commissioners~~ may authorize a fee to be added to the
26 outstanding balance to offset any collection costs that will
27 be incurred.

28 Section 16. Effective July 1, 2004, section 44.108,
29 Florida Statutes, is amended to read:

30 44.108 Funding of mediation and
31 arbitration.--Mediation should be accessible to all parties

1 regardless of financial status. Each board of county
2 commissioners may support mediation and arbitration services
3 by appropriating moneys from county revenues, and by:

4 ~~(1) Levying, in addition to other service charges~~
5 ~~levied by law, a service charge of no more than \$5 on any~~
6 ~~circuit court proceeding, which shall be deposited in the~~
7 ~~court's mediation-arbitration account fund under the~~
8 ~~supervision of the chief judge of the circuit in which the~~
9 ~~county is located; and~~

10 ~~(2) Levying, in addition to other service charges~~
11 ~~levied by law, a service charge of no more than \$5 on any~~
12 ~~county court proceeding, which shall be deposited in the~~
13 ~~county's mediation-arbitration account fund to be used to fund~~
14 ~~county civil mediation services under the supervision of the~~
15 ~~chief judge of the circuit in which the county is located.~~

16 ~~(3) Levying, in addition to other service charges~~
17 ~~levied by law, a service charge of no more than \$45 on any~~
18 ~~petition for a modification of a final judgment of~~
19 ~~dissolution, which shall be deposited in the court's family~~
20 ~~mediation account fund to be used to fund family mediation~~
21 ~~services under the supervision of the chief judge of the~~
22 ~~circuit in which the county is located.~~

23 ~~(4) If a board of county commissioners levies the~~
24 ~~service charge authorized in subsection (1), subsection (2),~~
25 ~~or subsection (3), the clerk of the court shall forward \$1 of~~
26 ~~each charge to the Department of Revenue for deposit in the~~
27 ~~state mediation and arbitration trust fund which is hereby~~
28 ~~established. Such fund shall be used by the Supreme Court to~~
29 ~~carry out its responsibilities set forth in s. 44.106.~~

30 Section 17. Subsection (3) of section 55.505, Florida
31 Statutes, is amended to read:

1 55.505 Notice of recording; prerequisite to
2 enforcement.--

3 (3) No execution or other process for enforcement of a
4 foreign judgment recorded hereunder shall issue until 30 days
5 after the mailing of notice by the clerk and payment of a
6 service charge of \$37.50~~\$25~~ to the clerk. When an action
7 authorized in s. 55.509(1) is filed, it acts as an automatic
8 stay of the effect of this section.

9 Section 18. Subsection (5) of section 55.10, Florida
10 Statutes, is amended to read:

11 55.10 Judgments, orders, and decrees; lien of all,
12 generally; extension of liens; transfer of liens to other
13 security.--

14 (5) Any lien claimed under this section may be
15 transferred, by any person having an interest in the real
16 property upon which the lien is imposed or the contract under
17 which the lien is claimed, from such real property to other
18 security by either depositing in the clerk's office a sum of
19 money or filing in the clerk's office a bond executed as
20 surety by a surety insurer licensed to do business in this
21 state. Such deposit or bond shall be in an amount equal to the
22 amount demanded in such claim of lien plus interest thereon at
23 the legal rate for 3 years plus \$500 to apply on any court
24 costs which may be taxed in any proceeding to enforce said
25 lien. Such deposit or bond shall be conditioned to pay any
26 judgment, order, or decree which may be rendered for the
27 satisfaction of the lien for which such claim of lien was
28 recorded and costs plus \$500 for court costs. Upon such
29 deposit being made or such bond being filed, the clerk shall
30 make and record a certificate showing the transfer of the lien
31 from the real property to the security and mail a copy thereof

1 by registered or certified mail to the lienor named in the
2 claim of lien so transferred, at the address stated therein.
3 Upon the filing of the certificate of transfer, the real
4 property shall thereupon be released from the lien claimed,
5 and such lien shall be transferred to said security. The clerk
6 shall be entitled to a fee of ~~\$15~~^{\$10} for making and serving
7 the certificate. If the transaction involves the transfer of
8 multiple liens, an additional charge of ~~\$7.50~~^{\$5} for each
9 additional lien shall be charged. Any number of liens may be
10 transferred to one such security.

11 Section 19. Effective July 1, 2004, section 55.312,
12 Florida Statutes, is created to read:

13 55.312 Service charge on certain money judgments and
14 settlement agreements.--

15 (1)(a) A service charge equal to one-tenth of 1
16 percent of the amount of each money judgment or settlement
17 agreement in excess of \$100,000 entered by a circuit court in
18 this state in any civil action for damages, other than an
19 action for dissolution of marriage or breach of contract,
20 shall be collected by and paid to the clerk of the court in
21 the circuit where the action was filed. The service charge
22 shall not apply to settlements reached at or before mediation
23 or arbitration.

24 (b) By agreement of the parties, the service charge
25 may be paid by any party or allocated to more than one party;
26 however, if there is no agreement among the parties as to
27 which party shall pay the service charge, the responsibility
28 to pay it falls equally on each party to the action. The
29 payment of the service charge shall be made at the time the
30 payment or settlement is paid. If the parties enter into a
31 confidential settlement, the amount of the settlement may be

1 disclosed by the parties to the court, in camera, in order for
2 the service charge to be assessed.

3 (2) The service charge imposed by this section shall
4 be used to offset the general expense of court operation
5 associated with the underlying action. The service charge does
6 not apply if the paying party is a state or local governmental
7 agency.

8 (3) The clerk of the court shall remit the service
9 charge receipts collected under this section to the Department
10 of Revenue for deposit into the General Revenue Fund.

11 (4) The Department of Revenue shall adopt rules
12 governing the assessment, collection, and periodic remittance
13 of the service charge to the department, the required forms
14 and procedures, and penalties for failure to comply. The
15 department shall collect any service charge if the department
16 determines, upon investigation, that the charge was due but
17 not timely remitted to the department. The rules shall require
18 that remittance be made to the department within 30 days after
19 the charge is collected by the clerk.

20 (5) An attorney licensed to practice in this state may
21 not disburse any proceeds to a client in a civil case,
22 mediation, or arbitration to which the service charge applies
23 unless the attorney or the trial court provides for the
24 assessment, allocation, and remittance of the applicable
25 service charge.

26 (6) Any party that fails to remit the service charge
27 assessed pursuant to this section within 90 days after the
28 date of the assessment commits a misdemeanor of the second
29 degree, punishable as provided in s. 775.082 or s. 775.083.

30 (7) Before February 1 of each year, the Department of
31 Revenue shall report in writing to the President of the Senate

1 and the Speaker of the House of Representatives the dollar
2 amount of remittances received by the department in the prior
3 calendar year, by county.

4 Section 20. Paragraphs (d), (e), and (f) of subsection
5 (6) of section 61.14, Florida Statutes, are amended to read:

6 61.14 Enforcement and modification of support,
7 maintenance, or alimony agreements or orders.--

8 (6)

9 (d) The court shall hear the obligor's motion to
10 contest the impending judgment within 15 days after the date
11 of the filing of the motion. Upon the court's denial of the
12 obligor's motion, the amount of the delinquency and all other
13 amounts which thereafter become due, together with costs and a
14 fee of \$7.50~~\$5~~, become a final judgment by operation of law
15 against the obligor. The depository shall charge interest at
16 the rate established in s. 55.03 on all judgments for support.

17 (e) If the obligor fails to file a motion to contest
18 the impending judgment within the time limit prescribed in
19 paragraph (c) and fails to pay the amount of the delinquency
20 and all other amounts which thereafter become due, together
21 with costs and a fee of \$7.50~~\$5~~, such amounts become a final
22 judgment by operation of law against the obligor at the
23 expiration of the time for filing a motion to contest the
24 impending judgment.

25 (f)1. Upon request of any person, the local depository
26 shall issue, upon payment of a fee of \$7.50~~\$5~~, a payoff
27 statement of the total amount due under the judgment at the
28 time of the request. The statement may be relied upon by the
29 person for up to 30 days from the time it is issued unless
30 proof of satisfaction of the judgment is provided.

31

1 2. When the depository records show that the obligor's
2 account is current, the depository shall record a satisfaction
3 of the judgment upon request of any interested person and upon
4 receipt of the appropriate recording fee. Any person shall be
5 entitled to rely upon the recording of the satisfaction.

6 3. The local depository, at the direction of the
7 department, or the obligee in a non-IV-D case, may partially
8 release the judgment as to specific real property, and the
9 depository shall record a partial release upon receipt of the
10 appropriate recording fee.

11 4. The local depository is not liable for errors in
12 its recordkeeping, except when an error is a result of
13 unlawful activity or gross negligence by the clerk or his or
14 her employees.

15 Section 21. Effective July 1, 2004, section 142.01,
16 Florida Statutes, is amended to read:

17 142.01 Fine and forfeiture fund contents.--There shall
18 be established by the clerk of the circuit court in each every
19 county of this state a separate fund to be known as the fine
20 and forfeiture fund for use by the clerk of the circuit court
21 in performing court-related functions. The said fund shall
22 consist of all fines and forfeitures collected in the county
23 under the penal laws of the state, except those fines imposed
24 under s. 775.0835(1); ~~and~~ assessments imposed under ss.
25 938.21, 938.23, and 938.25; and all costs refunded to the
26 county; ~~all funds arising from the hire or other disposition~~
27 ~~of convicts; and the proceeds of any special tax that may be~~
28 ~~levied by the county commissioners for expenses of criminal~~
29 ~~prosecutions. Said funds shall be paid out only for criminal~~
30 ~~expenses, fees, and costs, where the crime was committed in~~
31 ~~the county and the fees and costs are a legal claim against~~

1 ~~the county, in accordance with the provisions of this chapter.~~
2 ~~Any surplus funds remaining in the fine and forfeiture fund at~~
3 ~~the end of a fiscal year may be transferred to the county~~
4 ~~general fund.~~

5 Section 22. Effective July 1, 2004, section 142.02,
6 Florida Statutes, is amended to read:

7 142.02 Levy of a special tax.--The board of county
8 commissioners of every county may levy a special tax, not to
9 exceed 2 mills, upon the real and personal property of the
10 respective counties, to be assessed and collected as other
11 county taxes are assessed and collected, for such costs of
12 criminal prosecutions. Proceeds of the special tax funds shall
13 be paid out only for criminal expenses, fees, and costs, if
14 the crime was committed in the county, and the fees and costs
15 are a legal claim against the county, in accordance with the
16 provisions of this chapter. Any surplus funds remaining from
17 the tax to fund criminal prosecutions at the end of a fiscal
18 year may be transferred to the county general revenue fund.

19 Section 23. Effective July 1, 2004, section 142.03,
20 Florida Statutes, is amended to read:

21 142.03 Disposition of fines, forfeitures, and civil
22 penalties.--Except as to fines, forfeitures, and civil
23 penalties collected in cases involving violations of municipal
24 ordinances, violations of chapter 316 committed within a
25 municipality, or infractions under the provisions of chapter
26 318 committed within a municipality, in which cases such
27 fines, forfeitures, and civil penalties shall be fully paid
28 monthly to the appropriate municipality as provided in ss.
29 34.191, 316.660, and 318.21, and except as to fines imposed
30 under s. 775.0835(1), and assessments imposed under ss.
31 938.21, 938.23, and 938.25, all fines imposed under the penal

1 laws of this state in all other cases, and the proceeds of all
2 forfeited bail bonds or recognizances in all other cases,
3 shall be paid into the fine and forfeiture fund of the clerk
4 of the county in which the indictment was found or the
5 prosecution commenced, and judgment must be entered therefor
6 in favor of the state for the use by the clerk of the circuit
7 court in performing court-related functions ~~of the particular~~
8 ~~county.~~

9 Section 24. Effective July 1, 2004, section 142.15,
10 Florida Statutes, is amended to read:

11 142.15 Prisoner confined in different county.--Where
12 the prisoner is confined in the jail of a different county
13 from the one in which the crime was committed, then the
14 sheriff's bill for feeding such prisoner shall be presented to
15 the board of county commissioners of the county in which the
16 crime is alleged to have been committed, and paid by such
17 county. If the sheriff should subsequently collect any such
18 fees for feeding a prisoner, he or she shall pay the same to
19 the county in which the crime is alleged to have been
20 committed depository, to go into the fine and forfeiture fund.
21 ~~The county commissioners shall see that there is always set~~
22 ~~aside and retained in the fine and forfeiture fund out of the~~
23 ~~moneys collected from the special tax authorized to be~~
24 ~~collected for such fund, enough cash to pay for keeping and~~
25 ~~feeding such prisoners.~~

26 Section 25. Effective July 1, 2004, section 142.16,
27 Florida Statutes, is amended to read:

28 142.16 Change of venue.--In case of change of venue in
29 any case, all fines and forfeitures in such case go to the
30 clerk in the county in which the case was adjudicated
31 ~~indictment was found, and the fees of all officers and~~

1 ~~witnesses are a charge upon the county in which the indictment~~
2 ~~was found, in like manner as if the trial had not been~~
3 ~~removed. All costs and fees arising from the coroner's inquest~~
4 ~~shall be a charge upon the county where the inquest is held,~~
5 ~~and shall be payable from the general revenue fund of the~~
6 ~~county.~~

7 Section 26. Effective July 1, 2004, subsection (3) of
8 section 145.022, Florida Statutes, is amended to read:

9 145.022 Guaranteed salary upon resolution of board of
10 county commissioners.--

11 (3) This section shall not apply to county property
12 appraisers or clerks of the circuit and county courts in the
13 performance of their court-related functions.

14 Section 27. Effective July 1, 2004, paragraph (d) of
15 subsection (6) of section 212.20, Florida Statutes, as amended
16 by section 1 of chapter 2002-291, Laws of Florida, is amended
17 to read:

18 212.20 Funds collected, disposition; additional powers
19 of department; operational expense; refund of taxes
20 adjudicated unconstitutionally collected.--

21 (6) Distribution of all proceeds under this chapter
22 and s. 202.18(1)(b) and (2)(b) shall be as follows:

23 (d) The proceeds of all other taxes and fees imposed
24 pursuant to this chapter or remitted pursuant to s.
25 202.18(1)(b) and (2)(b) shall be distributed as follows:

26 1. In any fiscal year, the greater of \$500 million,
27 minus an amount equal to 4.6 percent of the proceeds of the
28 taxes collected pursuant to chapter 201, or 5 percent of all
29 other taxes and fees imposed pursuant to this chapter or
30 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
31

1 deposited in monthly installments into the General Revenue
2 Fund.

3 2. Two-tenths of one percent shall be transferred to
4 the Ecosystem Management and Restoration Trust Fund to be used
5 for water quality improvement and water restoration projects.

6 3. After the distribution under subparagraphs 1. and
7 2., 8.814 ~~9.653~~ percent of the amount remitted by a sales tax
8 dealer located within a participating county pursuant to s.
9 218.61 shall be transferred into the Local Government
10 Half-cent Sales Tax Clearing Trust Fund.

11 4. After the distribution under subparagraphs 1., 2.,
12 and 3., 0.065 percent shall be transferred to the Local
13 Government Half-cent Sales Tax Clearing Trust Fund and
14 distributed pursuant to s. 218.65.

15 5. ~~For proceeds received after July 1, 2000, and~~ After
16 the distributions under subparagraphs 1., 2., 3., and 4.,
17 2.079 ~~2.25~~ percent of the available proceeds pursuant to this
18 paragraph shall be transferred monthly to the Revenue Sharing
19 Trust Fund for Counties pursuant to s. 218.215.

20 6. ~~For proceeds received after July 1, 2000, and~~ After
21 the distributions under subparagraphs 1., 2., 3., and 4.,
22 .99017 ~~1.0715~~ percent of the available proceeds pursuant to
23 this paragraph shall be transferred monthly to the Revenue
24 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
25 If the total revenue to be distributed pursuant to this
26 subparagraph is at least as great as the amount due from the
27 Revenue Sharing Trust Fund for Municipalities and the
28 Municipal Financial Assistance Trust Fund in state fiscal year
29 1999-2000, no municipality shall receive less than the amount
30 due from the Revenue Sharing Trust Fund for Municipalities and
31 the Municipal Financial Assistance Trust Fund in state fiscal

1 year 1999-2000. If the total proceeds to be distributed are
2 less than the amount received in combination from the Revenue
3 Sharing Trust Fund for Municipalities and the Municipal
4 Financial Assistance Trust Fund in state fiscal year
5 1999-2000, each municipality shall receive an amount
6 proportionate to the amount it was due in state fiscal year
7 1999-2000.

8 7. Of the remaining proceeds:

9 a. ~~Beginning July 1, 2000, and~~ In each fiscal year
10 ~~thereafter~~, the sum of \$29,915,500 shall be divided into as
11 many equal parts as there are counties in the state, and one
12 part shall be distributed to each county. The distribution
13 among the several counties shall begin each fiscal year on or
14 before January 5th and shall continue monthly for a total of 4
15 months. If a local or special law required that any moneys
16 accruing to a county in fiscal year 1999-2000 under the
17 then-existing provisions of s. 550.135 be paid directly to the
18 district school board, special district, or a municipal
19 government, such payment shall continue until such time that
20 the local or special law is amended or repealed. The state
21 covenants with holders of bonds or other instruments of
22 indebtedness issued by local governments, special districts,
23 or district school boards prior to July 1, 2000, that it is
24 not the intent of this subparagraph to adversely affect the
25 rights of those holders or relieve local governments, special
26 districts, or district school boards of the duty to meet their
27 obligations as a result of previous pledges or assignments or
28 trusts entered into which obligated funds received from the
29 distribution to county governments under then-existing s.
30 550.135. This distribution specifically is in lieu of funds
31 distributed under s. 550.135 prior to July 1, 2000.

1 b. The department shall distribute \$166,667 monthly
2 pursuant to s. 288.1162 to each applicant that has been
3 certified as a "facility for a new professional sports
4 franchise" or a "facility for a retained professional sports
5 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
6 distributed monthly by the department to each applicant that
7 has been certified as a "facility for a retained spring
8 training franchise" pursuant to s. 288.1162; however, not more
9 than \$208,335 may be distributed monthly in the aggregate to
10 all certified facilities for a retained spring training
11 franchise. Distributions shall begin 60 days following such
12 certification and shall continue for not more than 30 years.
13 Nothing contained in this paragraph shall be construed to
14 allow an applicant certified pursuant to s. 288.1162 to
15 receive more in distributions than actually expended by the
16 applicant for the public purposes provided for in s.
17 288.1162(6). However, a certified applicant is entitled to
18 receive distributions up to the maximum amount allowable and
19 undistributed under this section for additional renovations
20 and improvements to the facility for the franchise without
21 additional certification.

22 c. Beginning 30 days after notice by the Office of
23 Tourism, Trade, and Economic Development to the Department of
24 Revenue that an applicant has been certified as the
25 professional golf hall of fame pursuant to s. 288.1168 and is
26 open to the public, \$166,667 shall be distributed monthly, for
27 up to 300 months, to the applicant.

28 d. Beginning 30 days after notice by the Office of
29 Tourism, Trade, and Economic Development to the Department of
30 Revenue that the applicant has been certified as the
31 International Game Fish Association World Center facility

1 pursuant to s. 288.1169, and the facility is open to the
2 public, \$83,333 shall be distributed monthly, for up to 168
3 months, to the applicant. This distribution is subject to
4 reduction pursuant to s. 288.1169. A lump sum payment of
5 \$999,996 shall be made, after certification and before July 1,
6 2000.

7 8. All other proceeds shall remain with the General
8 Revenue Fund.

9 Section 28. Effective July 1, 2004, subsection (2) of
10 section 218.35, Florida Statutes, is amended to read:

11 218.35 County fee officers; financial matters.--

12 (2) The clerk of the circuit court, functioning in his
13 or her capacity as clerk of the circuit and county courts and
14 as clerk of the board of county commissioners, shall prepare
15 his or her budget in two parts:

16 (a) The clerk shall prepare and adopt a budget for
17 funds necessary to perform court-related functions as provided
18 for in s. 28.36.~~The budget relating to the state courts~~
19 ~~system, including recording, which shall be filed with the~~
20 ~~State Courts Administrator as well as with the board of county~~
21 ~~commissioners; and~~

22 (b) The budget relating to the requirements of the
23 clerk as clerk of the board of county commissioners, county
24 auditor, and custodian or treasurer of all county funds and
25 other county-related duties.

26 Section 29. Paragraph (b) of subsection (1) and
27 subsection (2) of section 318.15, Florida Statutes, are
28 amended to read:

29 318.15 Failure to comply with civil penalty or to
30 appear; penalty.--

31 (1)

1 (b) However, a person who elects to attend driver
2 improvement school and has paid the civil penalty as provided
3 in s. 318.14(9), but who subsequently fails to attend the
4 driver improvement school within the time specified by the
5 court shall be deemed to have admitted the infraction and
6 shall be adjudicated guilty. In such case the person must pay
7 the clerk of the court the 18 percent deducted pursuant to s.
8 318.14(9), and a \$15~~\$10~~ processing fee, after which no
9 additional penalties, court costs, or surcharges shall be
10 imposed for the violation. The clerk of the court shall notify
11 the department of the person's failure to attend driver
12 improvement school and points shall be assessed pursuant to s.
13 322.27.

14 (2) After suspension of the driver's license and
15 privilege to drive of a person under subsection (1), the
16 license and privilege may not be reinstated until the person
17 complies with all obligations and penalties imposed on him or
18 her under s. 318.18 and presents to a driver license office a
19 certificate of compliance issued by the court, together with
20 the \$37.50~~\$25~~ nonrefundable service fee imposed under s.
21 322.29, or pays the aforementioned \$37.50~~\$25~~ service fee to
22 the clerk of the court or tax collector clearing such
23 suspension. Such person shall also be in compliance with
24 requirements of chapter 322 prior to reinstatement.

25 Section 30. Subsections (2), (6), (7), and (11) of
26 section 318.18, Florida Statutes, are amended to read:

27 318.18 Amount of civil penalties.--The penalties
28 required for a noncriminal disposition pursuant to s. 318.14
29 are as follows:

30 (2) Thirty dollars for all nonmoving traffic
31 violations and:

1 (a) For all violations of s. 322.19.

2 (b) For all violations of ss. 320.0605, 320.07(1),
3 322.065, and 322.15(1). Any person who is cited for a
4 violation of s. 320.07(1) shall be charged a delinquent fee
5 pursuant to s. 320.07(4).

6 1. If a person who is cited for a violation of s.
7 320.0605 or s. 320.07 can show proof of having a valid
8 registration at the time of arrest, the clerk of the court may
9 dismiss the case and may assess a \$7.50~~\$5~~ dismissal fee. A
10 person who finds it impossible or impractical to obtain a
11 valid registration certificate must submit an affidavit
12 detailing the reasons for the impossibility or impracticality.
13 The reasons may include, but are not limited to, the fact that
14 the vehicle was sold, stolen, or destroyed; that the state in
15 which the vehicle is registered does not issue a certificate
16 of registration; or that the vehicle is owned by another
17 person.

18 2. If a person who is cited for a violation of s.
19 322.03, s. 322.065, or s. 322.15 can show a driver's license
20 issued to him or her and valid at the time of arrest, the
21 clerk of the court may dismiss the case and may assess a \$7.50
22 ~~\$5~~ dismissal fee.

23 3. If a person who is cited for a violation of s.
24 316.646 can show proof of security as required by s. 627.733,
25 issued to the person and valid at the time of arrest, the
26 clerk of the court may dismiss the case and may assess a \$7.50
27 ~~\$5~~ dismissal fee. A person who finds it impossible or
28 impractical to obtain proof of security must submit an
29 affidavit detailing the reasons for the impracticality. The
30 reasons may include, but are not limited to, the fact that the
31 vehicle has since been sold, stolen, or destroyed; that the

1 owner or registrant of the vehicle is not required by s.
2 627.733 to maintain personal injury protection insurance; or
3 that the vehicle is owned by another person.

4 (c) For all violations of ss. 316.2935 and 316.610.
5 However, for a violation of s. 316.2935 or s. 316.610, if the
6 person committing the violation corrects the defect and
7 obtains proof of such timely repair by an affidavit of
8 compliance executed by the law enforcement agency within 30
9 days from the date upon which the traffic citation was issued,
10 and pays \$4 to the law enforcement agency, thereby completing
11 the affidavit of compliance, then upon presentation of said
12 affidavit by the defendant to the clerk within the 30-day time
13 period set forth under s. 318.14(4), the fine must be reduced
14 to \$7.50~~\$5~~, which the clerk of the court shall retain.

15 (d) For all violations of s. 316.126(1)(b), unless
16 otherwise specified.

17

18 In addition to the civil penalties provided for in this
19 subsection, a separate service charge in the amount of \$10
20 shall be paid to the clerk of the circuit court.

21 (6) One hundred dollars or the fine amount designated
22 by county ordinance, plus court costs for illegally parking,
23 under s. 316.1955, in a parking space provided for people who
24 have disabilities. However, this fine will be waived if a
25 person provides to the law enforcement agency that issued the
26 citation for such a violation proof that the person committing
27 the violation has a valid parking permit or license plate
28 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
29 320.0845, or s. 320.0848 or a signed affidavit that the owner
30 of the disabled parking permit or license plate was present at
31 the time the violation occurred, and that such a parking

1 permit or license plate was valid at the time the violation
2 occurred. The law enforcement officer, upon determining that
3 all required documentation has been submitted verifying that
4 the required parking permit or license plate was valid at the
5 time of the violation, must sign an affidavit of compliance.
6 Upon provision of the affidavit of compliance and payment of a
7 ~~\$7.50~~\$5 dismissal fee to the clerk of the circuit court, the
8 clerk shall dismiss the citation.

9 (7) One hundred dollars for a violation of s.
10 316.1001. However, a person may elect to pay \$30 to the clerk
11 of the court, in which case adjudication is withheld, and no
12 points are assessed under s. 322.27. Upon receipt of the fine,
13 the clerk of the court must retain ~~\$7.50~~\$5 for administrative
14 purposes and must forward the \$25 to the governmental entity
15 that issued the citation. Any funds received by a governmental
16 entity for this violation may be used for any lawful purpose
17 related to the operation or maintenance of a toll facility.

18 (11)(a) Court costs that are to be in addition to the
19 stated fine shall be imposed by the court in an amount not
20 less than the following:

21
22 For pedestrian infractions.....\$ 3.
23 For nonmoving traffic infractions.....\$ 6.
24 For moving traffic infractions.....\$10.
25

26 (b) In addition to the court cost assessed under
27 paragraph (a), the court shall impose a \$3 court cost for each
28 infraction to be distributed as provided in s. 938.01 and a \$2
29 court cost as provided in s. 938.15 when assessed by a
30 municipality or county.

31

1 Court costs imposed under this subsection may not exceed \$30,
2 except that an additional \$20 shall be assessed and paid to
3 the clerk of the circuit court for performing court-related
4 functions. A criminal justice selection center or other local
5 criminal justice access and assessment center may be funded
6 from these court costs.

7 Section 31. Paragraph (f) of subsection (2) of section
8 318.21, Florida Statutes, is amended to read:

9 318.21 Disposition of civil penalties by county
10 courts.--All civil penalties received by a county court
11 pursuant to the provisions of this chapter shall be
12 distributed and paid monthly as follows:

13 (2) Of the remainder:

14 (f) Five ~~Five-tenths~~ percent shall be paid to the
15 clerk of the court for administrative costs.

16 Section 32. Subsection (1) of section 322.245, Florida
17 Statutes, is amended to read:

18 322.245 Suspension of license upon failure of person
19 charged with specified offense under chapter 316, chapter 320,
20 or this chapter to comply with directives ordered by traffic
21 court or upon failure to pay child support in non-IV-D cases
22 as provided in chapter 61.--

23 (1) If a person who is charged with a violation of any
24 of the criminal offenses enumerated in s. 318.17 or with the
25 commission of any offense constituting a misdemeanor under
26 chapter 320 or this chapter fails to comply with all of the
27 directives of the court within the time allotted by the court,
28 the clerk of the traffic court shall mail to the person, at
29 the address specified on the uniform traffic citation, a
30 notice of such failure, notifying him or her that, if he or
31 she does not comply with the directives of the court within 30

1 days after the date of the notice and pay a delinquency fee of
2 ~~\$15~~^{\$10} to the clerk, his or her driver's license will be
3 suspended. The notice shall be mailed no later than 5 days
4 after such failure. The delinquency fee may be retained by the
5 office of the clerk to defray the operating costs of the
6 office.

7 Section 33. Paragraph (a) of subsection (9) of section
8 327.73, Florida Statutes, is amended to read:

9 327.73 Noncriminal infractions.--

10 (9)(a) Any person who fails to comply with the court's
11 requirements or who fails to pay the civil penalties specified
12 in this section within the 30-day period provided for in s.
13 327.72 must pay an additional court cost of ~~\$18~~^{\$12}, which
14 shall be used by the clerks of the courts to defray the costs
15 of tracking unpaid uniform boating citations.

16 Section 34. Section 382.023, Florida Statutes, is
17 amended to read:

18 382.023 Department to receive dissolution-of-marriage
19 records; fees.--Clerks of the circuit courts shall collect for
20 their services at the time of the filing of a final judgment
21 of dissolution of marriage a fee of ~~\$10.50~~^{\$7}, of which ~~\$4.50~~
22 ~~\$3~~ shall be retained by the circuit court as a part of the
23 cost in the cause in which the judgment is granted. The
24 remaining ~~\$6~~^{\$4} shall be remitted to the Department of Revenue
25 for deposit to the Department of Health to defray part of the
26 cost of maintaining the dissolution-of-marriage records. A
27 record of each and every judgment of dissolution of marriage
28 granted by the court during the preceding calendar month,
29 giving names of parties and such other data as required by
30 forms prescribed by the department, shall be transmitted to
31 the department, on or before the 10th day of each month, along

1 with an accounting of the funds remitted to the Department of
2 Revenue pursuant to this section.

3 Section 35. Subsection (1) of section 713.24, Florida
4 Statutes, is amended to read:

5 713.24 Transfer of liens to security.--

6 (1) Any lien claimed under this part may be
7 transferred, by any person having an interest in the real
8 property upon which the lien is imposed or the contract under
9 which the lien is claimed, from such real property to other
10 security by either:

11 (a) Depositing in the clerk's office a sum of money,
12 or

13 (b) Filing in the clerk's office a bond executed as
14 surety by a surety insurer licensed to do business in this
15 state,

16
17 either to be in an amount equal to the amount demanded in such
18 claim of lien, plus interest thereon at the legal rate for 3
19 years, plus \$1,000 or 25 percent of the amount demanded in the
20 claim of lien, whichever is greater, to apply on any
21 attorney's fees and court costs that may be taxed in any
22 proceeding to enforce said lien. Such deposit or bond shall be
23 conditioned to pay any judgment or decree which may be
24 rendered for the satisfaction of the lien for which such claim
25 of lien was recorded. Upon making such deposit or filing such
26 bond, the clerk shall make and record a certificate showing
27 the transfer of the lien from the real property to the
28 security and shall mail a copy thereof by registered or
29 certified mail to the lienor named in the claim of lien so
30 transferred, at the address stated therein. Upon filing the
31 certificate of transfer, the real property shall thereupon be

1 released from the lien claimed, and such lien shall be
2 transferred to said security. In the absence of allegations of
3 privity between the lienor and the owner, and subject to any
4 order of the court increasing the amount required for the lien
5 transfer deposit or bond, no other judgment or decree to pay
6 money may be entered by the court against the owner. The clerk
7 shall be entitled to a fee for making and serving the
8 certificate, in the sum of \$15~~\$10~~. If the transaction
9 involves the transfer of multiple liens, an additional charge
10 of \$7.50~~\$5~~ for each additional lien shall be charged. For
11 recording the certificate and approving the bond, the clerk
12 shall receive her or his usual statutory service charges as
13 prescribed in s. 28.24. Any number of liens may be transferred
14 to one such security.

15 Section 36. Section 744.3135, Florida Statutes, is
16 amended to read:

17 744.3135 Credit and criminal investigation.--The court
18 may require a nonprofessional guardian and shall require a
19 professional or public guardian, and all employees of a
20 professional guardian who have a fiduciary responsibility to a
21 ward, to submit, at their own expense, to an investigation of
22 the guardian's credit history and to undergo level 2
23 background screening as required under s. 435.04. The clerk of
24 the court shall obtain fingerprint cards from the Federal
25 Bureau of Investigation and make them available to guardians.
26 Any guardian who is so required shall have his or her
27 fingerprints taken and forward the proper fingerprint card
28 along with the necessary fee to the Florida Department of Law
29 Enforcement for processing. The professional guardian shall
30 pay to the clerk of the court a fee of \$7.50~~\$5~~ for handling
31 and processing professional guardian files. The results of the

1 fingerprint checks shall be forwarded to the clerk of court
2 who shall maintain the results in a guardian file and shall
3 make the results available to the court. If credit or criminal
4 investigations are required, the court must consider the
5 results of the investigations in appointing a guardian.
6 Guardians and all employees of a professional guardian who
7 have a fiduciary responsibility to a ward, so appointed, must
8 resubmit, at their own expense, to an investigation of credit
9 history, and undergo level 1 background screening as required
10 under s. 435.03, every 2 years after the date of their
11 appointment. The court must consider the results of these
12 investigations in reappointing a guardian. This section shall
13 not apply to a professional guardian, or to the employees of a
14 professional guardian, that is a trust company, a state
15 banking corporation or state savings association authorized
16 and qualified to exercise fiduciary powers in this state, or a
17 national banking association or federal savings and loan
18 association authorized and qualified to exercise fiduciary
19 powers in this state.

20 Section 37. Paragraph (a) of subsection (6) of section
21 744.365, Florida Statutes, is amended to read:

22 744.365 Verified inventory.--

23 (6) AUDIT FEE.--

24 (a) Where the value of the ward's property exceeds
25 \$25,000, a guardian shall pay from the ward's property to the
26 clerk of the circuit court a fee of \$75~~\$50~~, upon the filing
27 of the verified inventory, for the auditing of the inventory.
28 Any guardian unable to pay the auditing fee may petition the
29 court for waiver of the fee. The court may waive the fee
30 after it has reviewed the documentation filed by the guardian
31 in support of the waiver. ~~If the fee is waived for a ward,~~

1 ~~the audit fee must be paid from the general fund of the county~~
2 ~~in which the guardianship proceeding is conducted.~~

3 Section 38. Subsection (4) of section 744.3678,
4 Florida Statutes, is amended to read:

5 744.3678 Annual accounting.--

6 (4) The guardian shall pay from the ward's estate to
7 the clerk of the circuit court a fee based upon the following
8 graduated fee schedule, upon the filing of the annual
9 financial return, for the auditing of the return:

10 (a) For estates with a value of \$25,000 or less the
11 fee shall be \$15~~\$10~~.

12 (b) For estates with a value of more than \$25,000 up
13 to and including \$100,000 the fee shall be \$75~~\$50~~.

14 (c) For estates with a value of more than \$100,000 up
15 to and including \$500,000 the fee shall be \$150~~\$100~~.

16 (d) For estates with a value in excess of \$500,000 the
17 fee shall be \$225~~\$150~~.

18
19 Any guardian unable to pay the auditing fee may petition the
20 court for a waiver of the fee. The court may waive the fee
21 after it has reviewed the documentation filed by the guardian
22 in support of the waiver. Upon such waiver, the clerk of the
23 circuit court shall bill the board of county commissioners for
24 the auditing fee.

25 Section 39. Section 921.26, Florida Statutes, is
26 created to read:

27 921.26 Notice of assessment of court cost.--The
28 assessment of a court cost under chapter 938 shall be made
29 upon any order entered pursuant to this chapter. A court cost
30 assessed under s. 938.02 shall take priority over any other
31

1 court cost assessed, and shall be collected before any other
2 court cost.

3 Section 40. Section 938.02, Florida Statutes, is
4 created to read:

5 938.02 Additional cost for operation of court
6 system.--All courts created by Art. V of the State
7 Constitution shall, in addition and prior to any fine, other
8 court costs, or other penalty, assess the sum of \$125 as a
9 court cost against each person who pleads guilty or nolo
10 contendere to, or is convicted of, regardless of adjudication,
11 any felony, misdemeanor, or criminal traffic offense under the
12 laws of this state. This court cost may not be waived by the
13 court and shall take priority over and be paid prior to any
14 other cost required to be imposed by law. If this court cost
15 has not been collected prior to termination of probation, such
16 term of probation may not be terminated until the cost has
17 been collected. If this court cost has not been collected
18 prior to incarceration, the appropriate authorities shall be
19 directed to collect the cost out of any moneys or account held
20 for the inmate and remit the sum to the clerk of the court. In
21 a misdemeanor case or criminal traffic case, \$100 of this
22 court cost shall be paid to the clerk for performing his or
23 her court-related functions. All other court costs assessed
24 under this section shall be remitted by the clerk to the
25 Department of Revenue for deposit into the General Revenue
26 Fund.

27 Section 41. Effective July 1, 2004, section 938.05,
28 Florida Statutes, is amended to read:

29 938.05 State ~~Local Government~~ criminal justice court
30 cost Trust Fund.--

31

1 (1) When any person pleads nolo contendere to a
2 misdemeanor or criminal traffic offense under s. 318.14(10)(a)
3 or pleads guilty or nolo contendere to, or is found guilty of,
4 any felony, misdemeanor, or criminal traffic offense under the
5 laws of this state or the violation of any municipal or county
6 ordinance which adopts by reference any misdemeanor under
7 state law, there shall be imposed as a cost in the case, in
8 addition to any other cost required to be imposed by law, a
9 sum in accordance with the following schedule:

- 10 (a) Felonies.....\$200
11 (b) Misdemeanors.....\$50
12 (c) Criminal traffic offenses.....\$50

13 (2) Payment of the additional court costs provided for
14 in subsection (1) shall be made part of any plea agreement
15 reached by the prosecuting attorney and defense counsel or the
16 criminal defendant where the plea agreement provides for the
17 defendant to plead guilty or nolo contendere to any felony,
18 misdemeanor, or criminal traffic offense under the laws of
19 this state or any municipal or county ordinance which adopts
20 by reference any misdemeanor under state law.

21 (3) The clerk of the court shall collect such
22 additional costs and shall notify the agency supervising a
23 person upon whom costs have been imposed upon full payment of
24 fees. ~~The clerk shall deposit all but \$3 for each misdemeanor~~
25 ~~or criminal traffic case and all but \$5 for each felony case~~
26 ~~in a special trust fund of the county. Such funds shall be~~
27 ~~used exclusively for those purposes set forth in s.~~

28 ~~27.3455(3)~~. The clerk shall retain\$5~~\$3~~ for each misdemeanor
29 or criminal traffic case and\$10~~\$5~~ for each felony case of
30 each scheduled amount collected as a service charge of the
31 clerk's office. A political subdivision shall not be held

1 liable for the payment of the additional costs imposed by this
2 section. The clerk shall deposit and allocate the remaining
3 funds collected monthly as follows:

4 (a) Forty percent of funds collected monthly shall be
5 deposited by the clerk in the General Revenue Fund for the
6 state.

7 (b) Twenty percent shall be deposited by the clerk in
8 a trust fund administered by the Justice Administration
9 Commission for the benefit of the state attorney. The Justice
10 Administrative Commission shall account for these funds on a
11 circuit basis, and appropriations from the fund shall be
12 proportional to each circuit's collections.

13 (c) Twenty percent shall be deposited by the clerk in
14 the Indigent Criminal Defense Trust Fund pursuant to s.
15 27.525. The Justice Administrative Commission shall account
16 for these funds on a circuit basis, and appropriations from
17 the fund shall be proportional to each circuit's collections.

18 (d) Twenty percent shall be deposited by the clerk in
19 the Court Education Fund pursuant to s. 25.384.

20 Section 42. Effective July 1, 2003, section 938.35,
21 Florida Statutes, is amended to read:

22 938.35 Collection of court-related financial
23 obligations.--Any provision of law notwithstanding, a clerk of
24 the circuit court ~~county~~ may pursue the collection of any
25 fines, court costs, or other costs imposed by the court which
26 remain unpaid for 90 days or more, or refer such collection to
27 a private attorney who is a member in good standing of The
28 Florida Bar or collection agent who is registered and in good
29 standing pursuant to chapter 559. In pursuing the collection
30 of such unpaid financial obligations through a private
31 attorney or collection agent, the clerk of the circuit court

1 ~~governing body of the county~~ must determine that such
2 collection is cost-effective and the clerk county must follow
3 applicable procurement practices. The costs of collection,
4 including a reasonable attorney's fee, may be recovered,
5 except that such fees and costs of collection may not exceed
6 40 percent of the total fines and costs owed.

7 Section 43. Subsection (5) is added to section 26.012,
8 Florida Statutes, to read:

9 26.012 Jurisdiction of circuit court.--

10 (5) A circuit court is a trial court.

11 Section 44. Section 27.06, Florida Statutes, is
12 amended to read:

13 27.06 Habeas corpus and preliminary trials.--The
14 several state attorneys of this state shall represent the
15 state in all cases of habeas corpus arising in their
16 respective circuits, and shall also represent the state,
17 either in person or by assistant, in cases of preliminary
18 trials of persons charged with capital offenses in all cases
19 where the committing trial court judge ~~magistrate~~ shall have
20 given due and timely notice of the time and place of such
21 trial. Notice of the application for the writ of habeas
22 corpus shall be given to the prosecuting officer of the court
23 wherein the statute under attack is being applied, the
24 criminal law proceeding is being maintained, or the conviction
25 has occurred.

26 Section 45. Subsections (2) and (3) of section 34.01,
27 Florida Statutes, are amended, and subsection (5) is added to
28 that section, to read:

29 34.01 Jurisdiction of county court.--

30 (2) The county courts shall have jurisdiction
31 previously exercised by county judges' courts other than that

1 vested in the circuit court by s. 26.012, except that county
2 court judges may hear matters involving dissolution of
3 marriage under the simplified dissolution procedure pursuant
4 to ~~Rule 1.611(c)~~, Florida Family Law Rules of ~~Civil~~ Procedure
5 or may issue a final order for dissolution in cases where the
6 matter is uncontested, and the jurisdiction previously
7 exercised by county courts, the claims court, small claims
8 courts, small claims magistrates courts, magistrates courts,
9 justice of the peace courts, municipal courts, and courts of
10 chartered counties, including but not limited to the counties
11 referred to in ss. 9, 10, 11, and 24, Art. VIII of the State
12 Constitution of 1968 ~~1885~~.

13 (3) Judges of county courts shall also be committing
14 trial court judges ~~magistrates~~. Judges of county courts shall
15 be coroners unless otherwise provided by law or by rule of the
16 Supreme Court.

17 (4) Judges of county courts may hear all matters in
18 equity involved in any case within the jurisdictional amount
19 of the county court, except as otherwise restricted by the
20 State Constitution or the laws of Florida.

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

22 Section 46. Section 48.20, Florida Statutes, is
23 amended to read:

24 48.20 Service of process on Sunday.--Service or
25 execution on Sunday of any writ, process, warrant, order, or
26 judgment is void and the person serving or executing, or
27 causing it to be served or executed, is liable to the party
28 aggrieved for damages for so doing as if he or she had done it
29 without any process, writ, warrant, order, or judgment. If
30 affidavit is made by the person requesting service or
31 execution that he or she has good reason to believe that any

1 person liable to have any such writ, process, warrant, order,
2 or judgment served on him or her intends to escape from this
3 state under protection of Sunday, any officer furnished with
4 an order authorizing service or execution by the trial court
5 ~~judge or magistrate of any incorporated town~~ may serve or
6 execute such writ, process, warrant, order, or judgment on
7 Sunday, and it is as valid as if it had been done on any other
8 day.

9 Section 47. Subsection (3) of section 316.635, Florida
10 Statutes, is amended to read:

11 316.635 Courts having jurisdiction over traffic
12 violations; powers relating to custody and detention of
13 minors.--

14 (3) If a minor is taken into custody for a criminal
15 traffic offense or a violation of chapter 322 and the minor
16 does not demand to be taken before a trial court judge, or a
17 Civil Traffic Infraction Hearing Officer, who has jurisdiction
18 over the offense or violation ~~magistrate~~, the arresting
19 officer or booking officer shall immediately notify, or cause
20 to be notified, the minor's parents, guardian, or responsible
21 adult relative of the action taken. After making every
22 reasonable effort to give notice, the arresting officer or
23 booking officer may:

24 (a) Issue a notice to appear pursuant to chapter 901
25 and release the minor to a parent, guardian, responsible adult
26 relative, or other responsible adult;

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

29 (c) Issue a notice to appear pursuant to chapter 901
30 and deliver the minor to an appropriate substance abuse
31 treatment or rehabilitation facility or refer the minor to an

1 appropriate medical facility as provided in s. 901.29. If the
2 minor cannot be delivered to an appropriate substance abuse
3 treatment or rehabilitation facility or medical facility, the
4 arresting officer may deliver the minor to an appropriate
5 intake office of the Department of Juvenile Justice, which
6 shall take custody of the minor and make any appropriate
7 referrals; or

8 (d) If the violation constitutes a felony and the
9 minor cannot be released pursuant to s. 903.03, transport and
10 deliver the minor to an appropriate Department of Juvenile
11 Justice intake office. Upon delivery of the minor to the
12 intake office, the department shall assume custody and proceed
13 pursuant to chapter 984 or chapter 985.

14
15 If action is not taken pursuant to paragraphs (a)-(d), the
16 minor shall be delivered to the Department of Juvenile
17 Justice, and the department shall make every reasonable effort
18 to contact the parents, guardian, or responsible adult
19 relative to take custody of the minor. If there is no parent,
20 guardian, or responsible adult relative available, the
21 department may retain custody of the minor for up to 24 hours.

22 Section 48. Section 373.603, Florida Statutes, is
23 amended to read:

24 373.603 Power to enforce.--The Department of
25 Environmental Protection or the governing board of any water
26 management district and any officer or agent thereof may
27 enforce any provision of this law or any rule or regulation
28 adopted and promulgated or order issued thereunder to the same
29 extent as any peace officer is authorized to enforce the law.
30 Any officer or agent of any such board may appear before any
31 trial court judge ~~magistrate~~ empowered to issue warrants in

1 criminal cases and make an affidavit and apply for the
2 issuance of a warrant in the manner provided by law, ~~and said~~
3 ~~magistrate~~, If such affidavit alleges ~~shall allege~~ the
4 commission of an offense, the trial court judge shall issue a
5 warrant directed to any sheriff or deputy for the arrest of
6 any offender. The provisions of this section shall apply to
7 the Florida Water Resources Act of 1972 in its entirety.

8 Section 49. Subsection (4) of section 381.0012,
9 Florida Statutes, is amended to read:

10 381.0012 Enforcement authority.--

11 (4) The department may appear before any trial court
12 judge ~~magistrate~~ empowered to issue warrants in criminal cases
13 and request the issuance of a warrant. The trial court judge
14 ~~magistrate~~ shall issue a warrant directed to any sheriff,
15 deputy, or police officer to assist in any way to carry out
16 the purpose and intent of this chapter.

17 Section 50. Subsections (3) and (4) of section
18 450.121, Florida Statutes, are amended to read:

19 450.121 Enforcement of Child Labor Law.--

20 (3) It is the duty of any trial court judge ~~magistrate~~
21 of any court in the state to issue warrants and try cases made
22 within the limit of any municipality ~~city~~ over which such
23 magistrate has jurisdiction in connection with the violation
24 of this law.

25 (4) Grand juries shall have inquisitorial powers to
26 investigate violations of this chapter; also, trial county
27 ~~court judges and judges of the circuit courts~~ shall specially
28 charge the grand jury, at the beginning of each term of the
29 court, to investigate violations of this chapter.

30 Section 51. Subsection (2) of section 560.306, Florida
31 Statutes, is amended to read:

1 560.306 Standards.--

2 (2) The department may deny registration if it finds
3 that the applicant, or any money transmitter-affiliated party
4 of the applicant, has been convicted of a crime involving
5 moral turpitude in any jurisdiction or of a crime which, if
6 committed in this state, would constitute a crime involving
7 moral turpitude under the laws of this state. For the purposes
8 of this part, a person shall be deemed to have been convicted
9 of a crime if such person has either pleaded guilty to or been
10 found guilty of a charge before a court or a federal
11 magistrate, or by the verdict of a jury, irrespective of the
12 pronouncement of sentence or the suspension thereof. The
13 department may take into consideration the fact that such plea
14 of guilty, or such decision, judgment, or verdict, has been
15 set aside, reversed, or otherwise abrogated by lawful judicial
16 process or that the person convicted of the crime received a
17 pardon from the jurisdiction where the conviction was entered
18 or received a certificate pursuant to any provision of law
19 which removes the disability under this part because of such
20 conviction.

21 Section 52. Section 633.14, Florida Statutes, is
22 amended to read:

23 633.14 Agents; powers to make arrests, conduct
24 searches and seizures, serve summonses, and carry
25 firearms.--Agents of the State Fire Marshal shall have the
26 same authority to serve summonses, make arrests, carry
27 firearms,and make searches and seizures, as the sheriff or
28 her or his deputies, in the respective counties where such
29 investigations, hearings,or inspections may be held; and
30 affidavits necessary to authorize any such arrests, searches,
31 or seizures may be made before any trial court judge

1 ~~magistrate~~ having authority under the law to issue appropriate
2 processes.

3 Section 53. Paragraph (e) of subsection (1) and
4 paragraph (c) of subsection (2) of section 648.44, Florida
5 Statutes, are amended to read:

6 648.44 Prohibitions; penalty.--

7 (1) A bail bond agent, temporary bail bond agent, or
8 runner may not:

9 (e) Pay a fee or rebate or give or promise anything of
10 value to a jailer, police officer, peace officer, or
11 committing trial court judge ~~magistrate~~ or any other person
12 who has power to arrest or to hold in custody or to any public
13 official or public employee in order to secure a settlement,
14 compromise, remission, or reduction of the amount of any bail
15 bond or estreatment thereof.

16 (2) The following persons or classes shall not be bail
17 bond agents, temporary bail bond agents, or employees of a
18 bail bond agent or a bail bond business and shall not directly
19 or indirectly receive any benefits from the execution of any
20 bail bond:

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

23 Section 54. Subsection (3) of section 817.482, Florida
24 Statutes, is amended to read:

25 817.482 Possessing or transferring device for theft of
26 telecommunications service; concealment of destination of
27 telecommunications service.--

28 (3) Any such instrument, apparatus, equipment, or
29 device, or plans or instructions therefor, referred to in
30 subsections (1) and (2), may be seized by court order or under
31 a search warrant of a judge ~~or magistrate~~ or incident to a

1 lawful arrest; and upon the conviction of any person for a
2 violation of any provision of this act, or s. 817.481, such
3 instrument, apparatus, equipment, device, plans, or
4 instructions either shall be destroyed as contraband by the
5 sheriff of the county in which such person was convicted or
6 turned over to the telephone company in whose territory such
7 instrument, apparatus, equipment, device, plans, or
8 instructions were seized.

9 Section 55. Subsection (5) of section 828.122, Florida
10 Statutes, is amended to read:

11 828.122 Fighting or baiting animals; offenses;
12 penalties.--

13 (5) Whenever an indictment is returned or an
14 information is filed charging a violation of s. 828.12 or of
15 this section and, in the case of an information, a trial court
16 judge ~~magistrate~~ finds probable cause that a violation has
17 occurred, the court shall order the animals seized and shall
18 provide for appropriate and humane care or disposition of the
19 animals. This provision shall not be construed as a
20 limitation on the power to seize animals as evidence at the
21 time of arrest.

22 Section 56. Subsection (8) of section 832.05, Florida
23 Statutes, is amended to read:

24 832.05 Giving worthless checks, drafts, and debit card
25 orders; penalty; duty of drawee; evidence; costs; complaint
26 form.--

27 (8) COSTS.--When a prosecution is initiated under this
28 section before any committing trial court judge ~~magistrate~~,
29 the party applying for the warrant shall be held liable for
30 costs accruing in the event the case is dismissed for want of
31

1 prosecution. No costs shall be charged to the county in such
2 dismissed cases.

3 Section 57. Section 876.42, Florida Statutes, is
4 amended to read:

5 876.42 Witnesses' privileges.--No person shall be
6 excused from attending and testifying, or producing any books,
7 papers, or other documents before any court, ~~magistrate,~~
8 referee, or grand jury upon any investigation, proceeding, or
9 trial, for or relating to or concerned with a violation of any
10 section of this law or attempt to commit such violation, upon
11 the ground or for the reason that the testimony or evidence,
12 documentary or otherwise, required by the state may tend to
13 convict the person of a crime or to subject him or her to a
14 penalty or forfeiture; but no person shall be prosecuted or
15 subjected to any penalty or forfeiture for or on account of
16 any transaction, matter, or thing concerning which the person
17 may so testify or produce evidence, documentary or otherwise,
18 and no testimony so given or produced shall be received
19 against the person, upon any criminal investigation,
20 proceeding, or trial, except upon a prosecution for perjury or
21 contempt of court, based upon the giving or producing of such
22 testimony.

23 Section 58. Paragraph (a) of subsection (1) of section
24 893.12, Florida Statutes, is amended to read:

25 893.12 Contraband; seizure, forfeiture, sale.--

26 (1) All substances controlled by this chapter and all
27 listed chemicals, which substances or chemicals are handled,
28 delivered, possessed, or distributed contrary to any
29 provisions of this chapter, and all such controlled substances
30 or listed chemicals the lawful possession of which is not
31 established or the title to which cannot be ascertained, are

1 declared to be contraband, are subject to seizure and
2 confiscation by any person whose duty it is to enforce the
3 provisions of the chapter, and shall be disposed of as
4 follows:

5 (a) Except as in this section otherwise provided, the
6 court having jurisdiction shall order such controlled
7 substances or listed chemicals forfeited and destroyed. A
8 record of the place where said controlled substances or listed
9 chemicals were seized, of the kinds and quantities of
10 controlled substances or listed chemicals destroyed, and of
11 the time, place, and manner of destruction shall be kept, and
12 a return under oath reporting said destruction shall be made
13 to the court ~~or magistrate~~ by the officer who destroys them.

14 Section 59. Section 901.01, Florida Statutes, is
15 amended to read:

16 901.01 Judicial officers have to be committing
17 authority magistrates.--Each state judicial officer is a
18 conservator of the peace and has a committing ~~magistrate with~~
19 authority to issue warrants of arrest, commit offenders to
20 jail, and recognize them to appear to answer the charge. He
21 or she may require sureties of the peace when the peace has
22 been substantially threatened or disturbed.

23 Section 60. Subsection (1) of section 901.02, Florida
24 Statutes, is amended to read:

25 901.02 When warrant of arrest to be issued.--

26 (1) A warrant may be issued for the arrest of the
27 person complained against if the trial court judge ~~magistrate~~,
28 from the examination of the complainant and other witnesses,
29 reasonably believes that the person complained against has
30 committed an offense within the trial court judge's

31

1 ~~magistrate's~~ jurisdiction. A warrant is issued at the time it
2 is signed by the trial court judge ~~magistrate~~.

3 Section 61. Section 901.07, Florida Statutes, is
4 amended to read:

5 901.07 Admission to bail when arrest occurs in another
6 county.--

7 (1) When an arrest by a warrant occurs in a county
8 other than the one in which the alleged offense was committed
9 and the warrant issued, if the person arrested has a right to
10 bail, the arresting officer shall inform the person of his or
11 her right and, upon request, shall take the person before a
12 trial court judge ~~magistrate~~ or other official of the same
13 county having authority to admit to bail. The official shall
14 admit the person arrested to bail for his or her appearance
15 before the trial court judge ~~magistrate~~ who issued the
16 warrant.

17 (2) If the person arrested does not have a right to
18 bail or, when informed of his or her right to bail, does not
19 furnish bail immediately, the officer who made the arrest or
20 the officer having the warrant shall take the person before
21 the trial court judge ~~magistrate~~ who issued the warrant.

22 Section 62. Section 901.08, Florida Statutes, is
23 amended to read:

24 901.08 Issue of warrant when offense triable in
25 another county.--

26 (1) When a complaint before a trial court judge
27 ~~magistrate~~ charges the commission of an offense that is
28 punishable by death or life imprisonment and is triable in
29 another county of the state, but it appears that the person
30 against whom the complaint is made is in the county where the
31 complaint is made, the same proceedings for issuing a warrant

1 shall be used as prescribed in this chapter, except that the
2 warrant shall require the person against whom the complaint is
3 made to be taken before a designated trial court judge
4 ~~magistrate~~ of the county in which the offense is triable.

5 (2) If the person arrested has a right to bail, the
6 officer making the arrest shall inform the person of his or
7 her right to bail and, on request, shall take the person
8 before a trial court judge ~~magistrate~~ or other official having
9 authority to admit to bail in the county in which the arrest
10 is made. The official shall admit the person to bail for his
11 or her appearance before the trial court judge ~~magistrate~~
12 designated in the warrant.

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

17 Section 63. Section 901.09, Florida Statutes, is
18 amended to read:

19 901.09 When summons shall be issued.--

20 (1) When the complaint is for an offense that the
21 trial court judge ~~magistrate~~ is empowered to try summarily,
22 the trial court judge ~~magistrate~~ shall issue a summons instead
23 of a warrant, unless she or he reasonably believes that the
24 person against whom the complaint was made will not appear
25 upon a summons, in which event the trial court judge
26 ~~magistrate~~ shall issue a warrant.

27 (2) When the complaint is for a misdemeanor that the
28 trial court judge ~~magistrate~~ is not empowered to try
29 summarily, the trial court judge ~~magistrate~~ shall issue a
30 summons instead of a warrant if she or he reasonably believes
31

1 that the person against whom the complaint was made will
2 appear upon a summons.

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

7 Section 64. Section 901.11, Florida Statutes, is
8 amended to read:

9 901.11 Effect of not answering summons.--Failure to
10 appear as commanded by a summons without good cause is an
11 indirect criminal contempt of court and may be punished by a
12 fine of not more than \$100. When a person fails to appear as
13 commanded by a summons, the trial court judge ~~magistrate~~ shall
14 issue a warrant. If the trial court judge ~~magistrate~~ acquires
15 reason to believe that the person summoned will not appear as
16 commanded after issuing a summons, the trial court judge
17 ~~magistrate~~ may issue a warrant.

18 Section 65. Section 901.12, Florida Statutes, is
19 amended to read:

20 901.12 Summons against corporation.--When a complaint
21 of an offense is made against a corporation, the trial court
22 judge ~~magistrate~~ shall issue a summons that shall set forth
23 substantially the nature of the offense and command the
24 corporation to appear before the trial court judge ~~magistrate~~
25 at a stated time and place.

26 Section 66. Subsection (3) of section 901.25, Florida
27 Statutes, is amended to read:

28 901.25 Fresh pursuit; arrest outside jurisdiction.--

29 (3) If an arrest is made in this state by an officer
30 outside the county within which his or her jurisdiction lies,
31 the officer shall immediately notify the officer in charge of

1 the jurisdiction in which the arrest is made. Such officer in
2 charge of the jurisdiction shall, along with the officer
3 making the arrest, take the person so arrested before a trial
4 ~~county court judge or other committing magistrate~~ of the
5 county in which the arrest was made without unnecessary delay.

6 Section 67. Section 902.15, Florida Statutes, is
7 amended to read:

8 902.15 Undertaking by witness.--When a defendant is
9 held to answer on a charge for a crime punishable by death or
10 life imprisonment, the trial court judge ~~magistrate~~ at the
11 preliminary hearing may require each material witness to enter
12 into a written recognizance to appear at the trial or forfeit
13 a sum fixed by the trial court judge ~~magistrate~~. Additional
14 security may be required in the discretion of the trial court
15 judge ~~magistrate~~.

16 Section 68. Subsections (1), (2), and (3) of section
17 902.17, Florida Statutes, are amended to read:

18 902.17 Procedure when witness does not give
19 security.--

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

24 (2) If the trial court judge ~~magistrate~~ requires a
25 witness to give security for her or his appearance and the
26 witness is unable to give the security, the witness may apply
27 to the court having jurisdiction to try the defendant for a
28 reduction of the security.

29 (3) If it appears from examination on oath of the
30 witness or any other person that the witness is unable to give
31 security, the trial court judge ~~magistrate~~ or the court having

1 jurisdiction to try the defendant shall make an order finding
2 that fact, and the witness shall be detained pending
3 application for her or his conditional examination. Within 3
4 days after ~~from~~ the entry of the order, the witness shall be
5 conditionally examined on application of the state or the
6 defendant. The examination shall be by question and answer in
7 the presence of the other party and counsel, and shall be
8 transcribed by a court reporter or stenographer selected by
9 the parties. At the completion of the examination the witness
10 shall be discharged. The deposition of the witness may be
11 introduced in evidence at the trial by the defendant, or, if
12 the prosecuting attorney and the defendant and the defendant's
13 counsel agree, it may be admitted in evidence by stipulation.
14 The deposition shall not be admitted on behalf of the state
15 without the consent of the defendant.

16 Section 69. Section 902.20, Florida Statutes, is
17 amended to read:

18 902.20 Contempts before committing trial court judge
19 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding
20 a preliminary hearing shall have the same power to punish for
21 contempts that she or he has while presiding at the trial of
22 criminal cases.

23 Section 70. Section 902.21, Florida Statutes, is
24 amended to read:

25 902.21 Commitment to jail in another county.--If a
26 person is committed in a county where there is no jail, the
27 committing trial court judge ~~magistrate~~ shall direct the
28 sheriff to deliver the accused to a jail in another county.

29 Section 71. Subsection (1) of section 903.03, Florida
30 Statutes, is amended to read:

31

1 903.03 Jurisdiction of trial court to admit to bail;
2 duties and responsibilities of Department of Corrections.--

3 (1) After a person is held to answer by a trial court
4 judge ~~magistrate~~, the court having jurisdiction to try the
5 defendant shall, before indictment, affidavit, or information
6 is filed, have jurisdiction to hear and decide all preliminary
7 motions regarding bail and production or impounding of all
8 articles, writings, moneys, or other exhibits expected to be
9 used at the trial by either the state or the defendant.

10 Section 72. Subsection (2) of section 903.32, Florida
11 Statutes, is amended to read:

12 903.32 Defects in bond.--

13 (2) If no day, or an impossible day, is stated in a
14 bond for the defendant's appearance before a trial court judge
15 ~~magistrate~~ for a hearing, the defendant shall be bound to
16 appear 10 days after receipt of notice to appear by the
17 defendant, the defendant's counsel, or any surety on the
18 undertaking. If no day, or an impossible day, is stated in a
19 bond for the defendant's appearance for trial, the defendant
20 shall be bound to appear on the first day of the next term of
21 court that will commence more than 3 days after the
22 undertaking is given.

23 Section 73. Section 903.34, Florida Statutes, is
24 amended to read:

25 903.34 Who may admit to bail.--In criminal actions
26 instituted or pending in any state court, bonds given by
27 defendants before trial until appeal shall be approved by a
28 committing trial court judge ~~magistrate~~ or the sheriff. Appeal
29 bonds shall be approved as provided in s. 924.15.

30 Section 74. Subsection (4) of section 914.22, Florida
31 Statutes, is amended to read:

1 Weapon used in assault or murder: Exhibits taken at
2 scene of crime or from defendant: Name of custodian of
3 such exhibits: Location of building or place where
4 offense committed: Previous prison record of defendant:
5 Has defendant been arrested: Does defendant desire
6 to plead guilty: Names and addresses of state witnesses:
7 Name of defendant's lawyer: If defendant is released
8 on bond, names and addresses of sureties: Brief statement
9 of facts: Name of committing trial court judge
10 ~~magistrate~~: If additional space required, use reverse
11 side of this sheet.

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

13 Section 76. Section 933.01, Florida Statutes, is
14 amended to read:

15 933.01 Persons competent to issue search warrant.--A
16 search warrant authorized by law may be issued by any judge,
17 including the ~~judge of any circuit court of this state or~~
18 ~~county court judge, or committing judge of the trial court~~
19 ~~magistrate~~ having jurisdiction where the place, vehicle, or
20 thing to be searched may be.

21 Section 77. Section 933.06, Florida Statutes, is
22 amended to read:

23 933.06 Sworn application required before
24 issuance.--The judge ~~or magistrate~~ must, before issuing the
25 warrant, have the application of some person for said warrant
26 duly sworn to and subscribed, and may receive further
27 testimony from witnesses or supporting affidavits, or
28 depositions in writing, to support the application. The
29 affidavit and further proof, if same be had or required, must
30 set forth the facts tending to establish the grounds of the
31 application or probable cause for believing that they exist.

1 Section 78. Subsection (1) of section 933.07, Florida
2 Statutes, is amended to read:

3 933.07 Issuance of search warrants.--

4 (1) The judge, upon examination of the application and
5 proofs submitted, if satisfied that probable cause exists for
6 the issuing of the search warrant, shall thereupon issue a
7 search warrant signed by him or her with his or her name of
8 office, to any sheriff and the sheriff's deputies or any
9 police officer or other person authorized by law to execute
10 process, commanding the officer or person forthwith to search
11 the property described in the warrant or the person named, for
12 the property specified, and to bring the property and any
13 person arrested in connection therewith before the judge
14 ~~magistrate~~ or some other court having jurisdiction of the
15 offense.

16 Section 79. Section 933.10, Florida Statutes, is
17 amended to read:

18 933.10 Execution of search warrant during day or
19 night.--A search warrant issued under ~~the provisions of this~~
20 chapter may, if expressly authorized in such warrant by the
21 judge ~~or magistrate issuing the same~~, be executed by being
22 served either in the daytime or in the nighttime, as the
23 exigencies of the occasion may demand or require.

24 Section 80. Section 933.101, Florida Statutes, is
25 amended to read:

26 933.101 Service on Sunday.--A search warrant may be
27 executed by being served on Sunday, if expressly authorized in
28 such warrant by the judge ~~or magistrate issuing the same~~.

29 Section 81. Section 933.13, Florida Statutes, is
30 amended to read:

31

1 933.13 Copy of inventory shall be delivered upon
2 request.--The judge ~~or magistrate~~ to whom the warrant is
3 returned, upon the request of any claimant or any person from
4 whom said property is taken, or the officer who executed the
5 search warrant, shall deliver to said applicant a true copy of
6 the inventory of the property mentioned in the return on said
7 warrant.

8 Section 82. Subsections (1), (3), and (4) of section
9 933.14, Florida Statutes, are amended to read:

10 933.14 Return of property taken under search
11 warrant.--

12 (1) If it appears to the ~~magistrate or~~ judge before
13 whom the warrant is returned that the property or papers taken
14 are not the same as that described in the warrant, or that
15 there is no probable cause for believing the existence of the
16 grounds upon which the warrant was issued, or if it appears to
17 the judge ~~magistrate~~ before whom any property is returned that
18 the property was secured by an "unreasonable" search, the
19 judge ~~or magistrate~~ may order a return of the property taken;
20 provided, however, that in no instance shall contraband such
21 as slot machines, gambling tables, lottery tickets, tally
22 sheets, rundown sheets, or other gambling devices,
23 paraphernalia and equipment, or narcotic drugs, obscene prints
24 and literature be returned to anyone claiming an interest
25 therein, it being the specific intent of the Legislature that
26 no one has any property rights subject to be protected by any
27 constitutional provision in such contraband; provided,
28 further, that the claimant of said contraband may upon sworn
29 petition and proof submitted by him or her in the circuit
30 court of the county where seized, show that said contraband
31 articles so seized were held, used or possessed in a lawful

1 manner, for a lawful purpose, and in a lawful place, the
2 burden of proof in all cases being upon the claimant. The
3 sworn affidavit or complaint upon which the search warrant was
4 issued or the testimony of the officers showing probable cause
5 to search without a warrant or incident to a legal arrest, and
6 the finding of such slot machines, gambling tables, lottery
7 tickets, tally sheets, rundown sheets, scratch sheets, or
8 other gambling devices, paraphernalia, and equipment,
9 including money used in gambling or in furtherance of
10 gambling, or narcotic drugs, obscene prints and literature, or
11 any of them, shall constitute prima facie evidence of the
12 illegal possession of such contraband and the burden shall be
13 upon the claimant for the return thereof, to show that such
14 contraband was lawfully acquired, possessed, held, and used.

15 (3) No pistol or firearm taken by any officer with a
16 search warrant or without a search warrant upon a view by the
17 officer of a breach of the peace shall be returned except
18 pursuant to an order of a trial ~~circuit judge or a county~~
19 court judge.

20 (4) If no cause is shown for the return of any
21 property seized or taken under a search warrant, the judge ~~or~~
22 ~~magistrate~~ shall order that the same be impounded for use as
23 evidence at any trial of any criminal or penal cause growing
24 out of the having or possession of said property, but
25 perishable property held or possessed in violation of law may
26 be sold where the same is not prohibited, as may be directed
27 by the court, or returned to the person from whom taken. The
28 judge ~~or magistrate~~ to whom said search warrant is returned
29 shall file the same with the inventory and sworn return in the
30 proper office, and if the original affidavit and proofs upon
31 which the warrant was issued are in his or her possession, he

1 or she shall apply to the officer having the same and the
2 officer shall transmit and deliver all of the papers, proofs,
3 and certificates to the proper office where the proceedings
4 are lodged.

5 Section 83. Section 939.02, Florida Statutes, is
6 amended to read:

7 939.02 Costs before committing trial court judge
8 ~~magistrate~~.--All costs accruing before a committing trial
9 court judge ~~magistrate~~ shall be taxed against the defendant on
10 conviction or estreat of recognizance.

11 Section 84. Section 939.14, Florida Statutes, is
12 amended to read:

13 939.14 County not to pay costs in cases where
14 information is not filed or indictment found.--When a
15 committing trial court judge ~~magistrate~~ holds to bail or
16 commits any person to answer a criminal charge in a county
17 court or a circuit court, and an information is not filed nor
18 an indictment found against such person, the costs of such
19 committing trial shall not be paid by the county, except the
20 costs for executing the warrant.

21 Section 85. Section 941.13, Florida Statutes, is
22 amended to read:

23 941.13 Arrest prior to requisition.--Whenever any
24 person within this state shall be charged on the oath of any
25 credible person before any judge ~~or magistrate~~ of this state
26 with the commission of any crime in any other state, and,
27 except in cases arising under s. 941.06, with having fled from
28 justice or with having been convicted of a crime in that state
29 and having escaped from confinement, or having broken the
30 terms of his or her bail, probation, or parole, or whenever
31 complaint shall have been made before any judge ~~or magistrate~~

1 | in this state setting forth on the affidavit of any credible
2 | person in another state that a crime has been committed in
3 | such other state and that the accused has been charged in such
4 | state with the commission of the crime, and, except in cases
5 | arising under s. 941.06, has fled from justice, or with having
6 | been convicted of a crime in that state and having escaped
7 | from confinement, or having broken the terms of his or her
8 | bail, probation, or parole, and is believed to be in this
9 | state, the judge ~~or magistrate~~ shall issue a warrant directed
10 | to any peace officer commanding him or her to apprehend the
11 | person named therein, wherever the person may be found in this
12 | state, and to bring the person before the same or any other
13 | judge, ~~magistrate~~, or court who or which may be available in,
14 | or convenient of, access to the place where the arrest may be
15 | made, to answer the charge or complaint and affidavit, and a
16 | certified copy of the sworn charge or complaint and affidavit
17 | upon which the warrant is issued shall be attached to the
18 | warrant.

19 | Section 86. Section 941.14, Florida Statutes, is
20 | amended to read:

21 | 941.14 Arrest without a warrant.--The arrest of a
22 | person may be lawfully made also by any peace officer or a
23 | private person, without a warrant upon reasonable information
24 | that the accused stands charged in the courts of a state with
25 | a crime punishable by death or imprisonment for a term
26 | exceeding 1 year, but when so arrested the accused must be
27 | taken before a judge ~~or magistrate~~ with all practicable speed
28 | and complaint must be made against the accused under oath
29 | setting forth the ground for the arrest as in the preceding
30 | section; and thereafter his or her answer shall be heard as if
31 | the accused had been arrested on a warrant.

1 Section 87. Section 941.15, Florida Statutes, is
2 amended to read:

3 941.15 Commitment to await requisition; bail.--If from
4 the examination before the judge ~~or magistrate~~ it appears that
5 the person held is the person charged with having committed
6 the crime alleged and, except in cases arising under s.
7 941.06, that the person has fled from justice, the judge ~~or~~
8 ~~magistrate~~ must, by a warrant reciting the accusation, commit
9 the person to the county jail for such a time not exceeding 30
10 days and specified in the warrant, ~~as will enable the arrest~~
11 of the accused to be made under a warrant of the Governor on a
12 requisition of the executive authority of the state having
13 jurisdiction of the offense, unless the accused gives ~~give~~
14 bail as provided in s. 941.16 ~~the next section~~, or until the
15 accused shall be legally discharged.

16 Section 88. Section 941.17, Florida Statutes, is
17 amended to read:

18 941.17 Extension of time of commitment,
19 adjournment.--If the accused is not arrested under warrant of
20 the Governor by the expiration of the time specified in the
21 warrant or bond, a judge ~~or magistrate~~ may discharge the
22 accused or may recommit him or her for a further period not to
23 exceed 60 days, or a judge ~~or magistrate~~ ~~judge~~ may again take
24 bail for his or her appearance and surrender, as provided in
25 s. 941.16, but within a period not to exceed 60 days after the
26 date of such new bond.

27 Section 89. Section 941.18, Florida Statutes, is
28 amended to read:

29 941.18 Forfeiture of bail.--If the prisoner is
30 admitted to bail, and fails to appear and surrender himself or
31 herself according to the conditions of his or her bond, the

1 judge, ~~or magistrate by proper order~~, shall declare the bond
2 forfeited and order his or her immediate arrest without
3 warrant if he or she is ~~be~~ within this state. Recovery may be
4 had on such bond in the name of the state as in the case of
5 other bonds given by the accused in criminal proceedings
6 within this state.

7 Section 90. Subsection (2) of section 947.141, Florida
8 Statutes, is amended to read:

9 947.141 Violations of conditional release, control
10 release, or conditional medical release or addiction-recovery
11 supervision.--

12 (2) Upon the arrest on a felony charge of an offender
13 who is on release supervision under s. 947.1405, s. 947.146,
14 s. 947.149, or s. 944.4731, the offender must be detained
15 without bond until the initial appearance of the offender at
16 which a judicial determination of probable cause is made. If
17 the trial court judge ~~magistrate~~ determines that there was no
18 probable cause for the arrest, the offender may be released.
19 If the trial court judge ~~magistrate~~ determines that there was
20 probable cause for the arrest, such determination also
21 constitutes reasonable grounds to believe that the offender
22 violated the conditions of the release. Within 24 hours after
23 the trial court judge's ~~magistrate's~~ finding of probable
24 cause, the detention facility administrator or designee shall
25 notify the commission and the department of the finding and
26 transmit to each a facsimile copy of the probable cause
27 affidavit or the sworn offense report upon which the trial
28 court judge's ~~magistrate's~~ probable cause determination is
29 based. The offender must continue to be detained without bond
30 for a period not exceeding 72 hours excluding weekends and
31 holidays after the date of the probable cause determination,

1 pending a decision by the commission whether to issue a
2 warrant charging the offender with violation of the conditions
3 of release. Upon the issuance of the commission's warrant, the
4 offender must continue to be held in custody pending a
5 revocation hearing held in accordance with this section.

6 Section 91. Subsection (1) of section 948.06, Florida
7 Statutes, is amended to read:

8 948.06 Violation of probation or community control;
9 revocation; modification; continuance; failure to pay
10 restitution or cost of supervision.--

11 (1) Whenever within the period of probation or
12 community control there are reasonable grounds to believe that
13 a probationer or offender in community control has violated
14 his or her probation or community control in a material
15 respect, any law enforcement officer who is aware of the
16 probationary or community control status of the probationer or
17 offender in community control or any parole or probation
18 supervisor may arrest or request any county or municipal law
19 enforcement officer to arrest such probationer or offender
20 without warrant wherever found and forthwith return him or her
21 to the court granting such probation or community control. Any
22 committing trial court judge ~~magistrate~~ may issue a warrant,
23 upon the facts being made known to him or her by affidavit of
24 one having knowledge of such facts, for the arrest of the
25 probationer or offender, returnable forthwith before the court
26 granting such probation or community control. Any parole or
27 probation supervisor, any officer authorized to serve criminal
28 process, or any peace officer of this state is authorized to
29 serve and execute such warrant. Upon the filing of an
30 affidavit alleging a violation of probation or community
31 control and following issuance of a warrant under s. 901.02,

1 the probationary period is tolled until the court enters a
2 ruling on the violation. Notwithstanding the tolling of
3 probation as provided in this subsection, the court shall
4 retain jurisdiction over the offender for any violation of the
5 conditions of probation or community control that is alleged
6 to have occurred during the tolling period. The probation
7 officer is permitted to continue to supervise any offender who
8 remains available to the officer for supervision until the
9 supervision expires pursuant to the order of probation or
10 community control or until the court revokes or terminates the
11 probation or community control, whichever comes first. The
12 court, upon the probationer or offender being brought before
13 it, shall advise him or her of such charge of violation and,
14 if such charge is admitted to be true, may forthwith revoke,
15 modify, or continue the probation or community control or
16 place the probationer into a community control program. If
17 probation or community control is revoked, the court shall
18 adjudge the probationer or offender guilty of the offense
19 charged and proven or admitted, unless he or she has
20 previously been adjudged guilty, and impose any sentence which
21 it might have originally imposed before placing the
22 probationer on probation or the offender into community
23 control. If such violation of probation or community control
24 is not admitted by the probationer or offender, the court may
25 commit him or her or release him or her with or without bail
26 to await further hearing, or it may dismiss the charge of
27 probation or community control violation. If such charge is
28 not at that time admitted by the probationer or offender and
29 if it is not dismissed, the court, as soon as may be
30 practicable, shall give the probationer or offender an
31 opportunity to be fully heard on his or her behalf in person

1 or by counsel. After such hearing, the court may revoke,
2 modify, or continue the probation or community control or
3 place the probationer into community control. If such
4 probation or community control is revoked, the court shall
5 adjudge the probationer or offender guilty of the offense
6 charged and proven or admitted, unless he or she has
7 previously been adjudged guilty, and impose any sentence which
8 it might have originally imposed before placing the
9 probationer or offender on probation or into community
10 control. Notwithstanding s. 775.082, when a period of
11 probation or community control has been tolled, upon
12 revocation or modification of the probation or community
13 control, the court may impose a sanction with a term that when
14 combined with the amount of supervision served and tolled,
15 exceeds the term permissible pursuant to s. 775.082 for a term
16 up to the amount of the tolled period supervision. If the
17 court dismisses an affidavit alleging a violation of probation
18 or community control, the offender's probation or community
19 control shall continue as previously imposed, and the offender
20 shall receive credit for all tolled time against his or her
21 term of probation or community control.

22 Section 92. Paragraph (b) of subsection (4) of section
23 985.05, Florida Statutes, is amended to read:

24 985.05 Court records.--

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

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

1 Section 93. Section 56.071, Florida Statutes, is
2 amended to read:

3 56.071 Executions on equities of redemption; discovery
4 of value.--On motion made by the party causing a levy to be
5 made on an equity of redemption,the court from which the
6 execution issued shall order the mortgagor, mortgagee,and all
7 other persons interested in the mortgaged property levied on
8 to appear and be examined about the amount remaining due on
9 the mortgage, the amount that has been paid, the party to whom
10 that amount has been paid, and the date when that amount was
11 paid to whom and when paid so that the value of the equity of
12 redemption may be ascertained before the property ~~it~~ is sold.
13 The court may appoint a general or special magistrate ~~master~~
14 to conduct the examination. This section shall also apply to
15 the interest of and personal property in possession of a
16 vendee under a retained title contract or conditional sales
17 contract.

18 Section 94. Subsections (2), (7), and (10) of section
19 56.29, Florida Statutes, are amended to read:

20 56.29 Proceedings supplementary.--

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

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

31

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

5 Section 95. Subsection (4) of section 61.1826, Florida
6 Statutes, is amended to read:

7 61.1826 Procurement of services for State Disbursement
8 Unit and the non-Title IV-D component of the State Case
9 Registry; contracts and cooperative agreements; penalties;
10 withholding payment.--

11 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The
12 contract between the Florida Association of Court Clerks and
13 the department, and cooperative agreements entered into by the
14 depositories and the department, must contain, but are not
15 limited to, the following terms:

16 (a) The initial term of the contract and cooperative
17 agreements is for 5 years. The subsequent term of the contract
18 and cooperative agreements is for 3 years, with the option of
19 two 1-year renewal periods, at the sole discretion of the
20 department.

21 (b) The duties and responsibilities of the Florida
22 Association of Court Clerks, the depositories, and the
23 department.

24 (c) Under s. 287.058(1)(a), all providers and
25 subcontractors shall submit to the department directly, or
26 through the Florida Association of Court Clerks, a report of
27 monthly expenditures in a format prescribed by the department
28 and in sufficient detail for a proper preaudit and postaudit
29 thereof.

30 (d) All providers and subcontractors shall submit to
31 the department directly, or through the Florida Association of

1 Court Clerks, management reports in a format prescribed by the
2 department.

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

5 (f) Federal financial participation for eligible Title
6 IV-D expenditures incurred by the Florida Association of Court
7 Clerks and the depositories shall be at the maximum level
8 permitted by federal law for expenditures incurred for the
9 provision of services in support of child support enforcement
10 in accordance with 45 C.F.R. part 74 and Federal Office of
11 Management and Budget Circulars A-87 and A-122 and based on an
12 annual cost allocation study of each depository. The
13 depositories shall submit directly, or through the Florida
14 Association of Court Clerks, claims for Title IV-D
15 expenditures monthly to the department in a standardized
16 format as prescribed by the department. The Florida
17 Association of Court Clerks shall contract with a certified
18 public accounting firm, selected by the Florida Association of
19 Court Clerks and the department, to audit and certify
20 quarterly to the department all claims for expenditures
21 submitted by the depositories for Title IV-D reimbursement.

22 (g) Upon termination of the contracts between the
23 department and the Florida Association of Court Clerks or the
24 depositories, the Florida Association of Court Clerks, its
25 agents, and the depositories shall assist the department in
26 making an orderly transition to a private vendor.

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

29

30 If either the department or the Florida Association of Court
31 Clerks objects to a term of the standard cooperative agreement

1 or contract specified in subsections (2) and (3), the disputed
2 term or terms shall be presented jointly by the parties to the
3 Attorney General or the Attorney General's designee, who shall
4 act as special magistrate ~~master~~. The special magistrate
5 ~~master~~ shall resolve the dispute in writing within 10 days.
6 The resolution of a dispute by the special magistrate ~~master~~
7 is binding on the department and the Florida Association of
8 Court Clerks.

9 Section 96. Section 64.061, Florida Statutes, is
10 amended to read:

11 64.061 Partition of property; commissioners; special
12 magistrate ~~master~~.--

13 (1) APPOINTMENT AND REMOVAL.--When a judgment of
14 partition is made, the court shall appoint three suitable
15 persons as commissioners to make the partition. They shall be
16 selected by the court unless agreed on by the parties. They
17 may be removed by the court for good cause and others
18 appointed in their places.

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

27 (3) EXCEPTIONS TO REPORT AND FINAL JUDGMENT.--Any
28 party may file objections to the report of the commissioners
29 within 10 days after it is served. If no objections are filed
30 or if the court is satisfied on hearing any such objections
31 that they are not well-founded, the report shall be confirmed,

1 and a final judgment entered vesting in the parties the title
2 to the parcels of the lands allotted to them respectively, and
3 giving each of them the possession of and quieting title to
4 their respective shares as against the other parties to the
5 action or those claiming through or under them.

6 (4) APPOINTMENT OF SPECIAL MAGISTRATE ~~MASTER~~ WHERE
7 PROPERTY NOT SUBJECT TO PARTITION.--On an uncontested
8 allegation in a pleading that the property sought to be
9 partitioned is indivisible and is not subject to partition
10 without prejudice to the owners of it or if a judgment of
11 partition is entered and the court is satisfied that the
12 allegation is correct, on motion of any party and notice to
13 the others the court may appoint a special magistrate ~~master~~
14 or the clerk to make sale of the property either at private
15 sale or as provided by s. 64.071.

16 Section 97. Subsection (5) of section 65.061, Florida
17 Statutes, is amended to read:

18 65.061 Quieting title; additional remedy.--

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

24 Section 98. Section 69.051, Florida Statutes, is
25 amended to read:

26 69.051 General and special magistrates ~~Masters in~~
27 ~~chancery~~; compensation.--General and special magistrates
28 appointed by the court ~~Masters in chancery~~ shall be allowed
29 such compensation for any services as the court deems
30 reasonable, including time consumed in legal research required
31 in preparing and summarizing their findings of fact and law.

1 Section 99. Section 70.51, Florida Statutes, is
2 amended to read:

3 70.51 Land use and environmental dispute resolution.--

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

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

7 (a) "Development order" means any order, or notice of
8 proposed state or regional governmental agency action, which
9 is or will have the effect of granting, denying, or granting
10 with conditions an application for a development permit, and
11 includes the rezoning of a specific parcel. Actions by the
12 state or a local government on comprehensive plan amendments
13 are not development orders.

14 (b) "Development permit" means any building permit,
15 zoning permit, subdivision approval, certification, special
16 exception, variance, or any other similar action of local
17 government, as well as any permit authorized to be issued
18 under state law by state, regional, or local government which
19 has the effect of authorizing the development of real property
20 including, but not limited to, programs implementing chapters
21 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403.

22 (c) "Special magistrate ~~master~~" means a person
23 selected by the parties to perform the duties prescribed in
24 this section. The special magistrate ~~master~~ must be a
25 resident of the state and possess experience and expertise in
26 mediation and at least one of the following disciplines and a
27 working familiarity with the others: land use and
28 environmental permitting, land planning, land economics, local
29 and state government organization and powers, and the law
30 governing the same.

31

1 (d) "Owner" means a person with a legal or equitable
2 interest in real property who filed an application for a
3 development permit for the property at the state, regional, or
4 local level and who received a development order, or who holds
5 legal title to real property that is subject to an enforcement
6 action of a governmental entity.

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

9 (f) "Governmental entity" includes an agency of the
10 state, a regional or a local government created by the State
11 Constitution or by general or special act, any county or
12 municipality, or any other entity that independently exercises
13 governmental authority. The term does not include the United
14 States or any of its agencies.

15 (g) "Land" or "real property" means land and includes
16 any appurtenances and improvements to the land, including any
17 other relevant real property in which the owner had a relevant
18 interest.

19 (3) Any owner who believes that a development order,
20 either separately or in conjunction with other development
21 orders, or an enforcement action of a governmental entity, is
22 unreasonable or unfairly burdens the use of the owner's real
23 property, may apply within 30 days after receipt of the order
24 or notice of the governmental action for relief under this
25 section.

26 (4) To initiate a proceeding under this section, an
27 owner must file a request for relief with the elected or
28 appointed head of the governmental entity that issued the
29 development order or orders, or that initiated the enforcement
30 action. The head of the governmental entity may not charge
31 the owner for the request for relief and must forward the

1 request for relief to the special magistrate ~~master~~ who is
2 mutually agreed upon by the owner and the governmental entity
3 within 10 days after receipt of the request.

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

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

9 (b) Any substantially affected party who submitted
10 oral or written testimony, sworn or unsworn, of a substantive
11 nature which stated with particularity objections to or
12 support for any development order at issue or enforcement
13 action at issue. Notice under this paragraph is required only
14 if that party indicated a desire to receive notice of any
15 subsequent special magistrate ~~master~~ proceedings occurring on
16 the development order or enforcement action. Each governmental
17 entity must maintain in its files relating to particular
18 development orders a mailing list of persons who have
19 presented oral or written testimony and who have requested
20 notice.

21 (6) The request for relief must contain:

22 (a) A brief statement of the owner's proposed use of
23 the property.

24 (b) A summary of the development order or description
25 of the enforcement action. A copy of the development order or
26 the documentation of an enforcement action at issue must be
27 attached to the request.

28 (c) A brief statement of the impact of the development
29 order or enforcement action on the ability of the owner to
30 achieve the proposed use of the property.

31

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

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

6 (8) The special magistrate ~~master~~ may conduct a
7 hearing on whether the request for relief should be dismissed
8 for failing to include the information required in subsection
9 (6). If the special magistrate ~~master~~ dismisses the case, the
10 special magistrate ~~master~~ shall allow the owner to amend the
11 request and refile. Failure to file an adequate amended
12 request within the time specified shall result in a dismissal
13 with prejudice as to this proceeding.

14 (9) By requesting relief under this section, the owner
15 consents to grant the special magistrate ~~master~~ and the
16 parties reasonable access to the real property with advance
17 notice at a time and in a manner acceptable to the owner of
18 the real property.

19 (10)(a) Before initiating a special magistrate ~~master~~
20 proceeding to review a local development order or local
21 enforcement action, the owner must exhaust all nonjudicial
22 local government administrative appeals if the appeals take no
23 longer than 4 months. Once nonjudicial local administrative
24 appeals are exhausted and the development order or enforcement
25 action is final, or within 4 months after issuance of the
26 development order or notice of the enforcement action if the
27 owner has pursued local administrative appeals even if the
28 appeals have not been concluded, the owner may initiate a
29 proceeding under this section. Initiation of a proceeding
30 tolls the time for seeking judicial review of a local
31 government development order or enforcement action until the

1 special magistrate's ~~master's~~ recommendation is acted upon by
2 the local government. Election by the owner to file for
3 judicial review of a local government development order or
4 enforcement action prior to initiating a proceeding under this
5 section waives any right to a special magistrate ~~master~~
6 proceeding.

7 (b) If an owner requests ~~special master~~ relief under
8 this section from a development order or enforcement action
9 issued by a state or regional agency, the time for challenging
10 agency action under ss. 120.569 and 120.57 is tolled. If an
11 owner chooses to bring a proceeding under ss. 120.569 and
12 120.57 before initiating a ~~special master~~ proceeding under
13 this section, then the owner waives any right to a special
14 magistrate ~~master~~ proceeding unless all parties consent to
15 proceeding to mediation.

16 (11) The initial party to the proceeding is the
17 governmental entity that issues the development order to the
18 owner or that is taking the enforcement action. In those
19 instances when the development order or enforcement action is
20 the culmination of a process involving more than one
21 governmental entity or when a complete resolution of all
22 relevant issues would require the active participation of more
23 than one governmental entity, the special magistrate ~~master~~
24 may, upon application of a party, join those governmental
25 entities as parties to the proceeding if it will assist in
26 effecting the purposes of this section, and those governmental
27 entities so joined shall actively participate in the
28 procedure.

29 (12) Within 21 days after receipt of the request for
30 relief, any owner of land contiguous to the owner's property
31 and any substantially affected person who submitted oral or

1 written testimony, sworn or unsworn, of a substantive nature
2 which stated with particularity objections to or support for
3 the development order or enforcement action at issue may
4 request to participate in the proceeding. Those persons may
5 be permitted to participate in the hearing but shall not be
6 granted party or intervenor status. The participation of such
7 persons is limited to addressing issues raised regarding
8 alternatives, variances, and other types of adjustment to the
9 development order or enforcement action which may impact their
10 substantial interests, including denial of the development
11 order or application of an enforcement action.

12 (13) Each party must make efforts to assure that those
13 persons qualified by training or experience necessary to
14 address issues raised by the request or by the special
15 magistrate ~~master~~ and further qualified to address
16 alternatives, variances, and other types of modifications to
17 the development order or enforcement action are present at the
18 hearing.

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

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

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

31

1 (16)(a) Fifteen days following the filing of a request
2 for relief, the governmental entity that issued the
3 development order or that is taking the enforcement action
4 shall file a response to the request for relief with the
5 special magistrate ~~master~~ together with a copy to the owner.
6 The response must set forth in reasonable detail the position
7 of the governmental entity regarding the matters alleged by
8 the owner. The response must include a brief statement
9 explaining the public purpose of the regulations on which the
10 development order or enforcement action is based.

11 (b) Any governmental entity that is added by the
12 special magistrate ~~master~~ as a party must file a response to
13 the request for relief prior to the hearing but not later than
14 15 days following its admission.

15 (c) Any party may incorporate in the response to the
16 request for relief a request to be dropped from the
17 proceeding. The request to be dropped must set forth facts
18 and circumstances relevant to aid the special magistrate
19 ~~master~~ in ruling on the request. All requests to be dropped
20 must be disposed of prior to conducting any hearings on the
21 merits of the request for relief.

22 (17) In all respects, the hearing must be informal and
23 open to the public and does not require the use of an
24 attorney. The hearing must operate at the direction and under
25 the supervision of the special magistrate ~~master~~. The object
26 of the hearing is to focus attention on the impact of the
27 governmental action giving rise to the request for relief and
28 to explore alternatives to the development order or
29 enforcement action and other regulatory efforts by the
30 governmental entities in order to recommend relief, when
31 appropriate, to the owner.

1 (a) The first responsibility of the special magistrate
2 ~~master~~ is to facilitate a resolution of the conflict between
3 the owner and governmental entities to the end that some
4 modification of the owner's proposed use of the property or
5 adjustment in the development order or enforcement action or
6 regulatory efforts by one or more of the governmental parties
7 may be reached. Accordingly, the special magistrate ~~master~~
8 shall act as a facilitator or mediator between the parties in
9 an effort to effect a mutually acceptable solution. The
10 parties shall be represented at the mediation by persons with
11 authority to bind their respective parties to a solution, or
12 by persons with authority to recommend a solution directly to
13 the persons with authority to bind their respective parties to
14 a solution.

15 (b) If an acceptable solution is not reached by the
16 parties after the special magistrate's ~~master's~~ attempt at
17 mediation, the special magistrate ~~master~~ shall consider the
18 facts and circumstances set forth in the request for relief
19 and any responses and any other information produced at the
20 hearing in order to determine whether the action by the
21 governmental entity or entities is unreasonable or unfairly
22 burdens the real property.

23 (c) In conducting the hearing, the special magistrate
24 ~~master~~ may hear from all parties and witnesses that are
25 necessary to an understanding of the matter. The special
26 magistrate ~~master~~ shall weigh all information offered at the
27 hearing.

28 (18) The circumstances to be examined in determining
29 whether the development order or enforcement action, or the
30 development order or enforcement action in conjunction with
31 regulatory efforts of other governmental parties, is

1 unreasonable or unfairly burdens use of the property may
2 include, but are not limited to:

3 (a) The history of the real property, including when
4 it was purchased, how much was purchased, where it is located,
5 the nature of the title, the composition of the property, and
6 how it was initially used.

7 (b) The history or development and use of the real
8 property, including what was developed on the property and by
9 whom, if it was subdivided and how and to whom it was sold,
10 whether plats were filed or recorded, and whether
11 infrastructure and other public services or improvements may
12 have been dedicated to the public.

13 (c) The history of environmental protection and land
14 use controls and other regulations, including how and when the
15 land was classified, how use was proscribed, and what changes
16 in classifications occurred.

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

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

23 (f) The public purpose sought to be achieved by the
24 development order or enforcement action, including the nature
25 and magnitude of the problem addressed by the underlying
26 regulations on which the development order or enforcement
27 action is based; whether the development order or enforcement
28 action is necessary to the achievement of the public purpose;
29 and whether there are alternative development orders or
30 enforcement action conditions that would achieve the public
31

1 purpose and allow for reduced restrictions on the use of the
2 property.

3 (g) Uses authorized for and restrictions placed on
4 similar property.

5 (h) Any other information determined relevant by the
6 special magistrate ~~master~~.

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

10 (a) If the special magistrate ~~master~~ finds that the
11 development order at issue, or the development order or
12 enforcement action in combination with the actions or
13 regulations of other governmental entities, is not
14 unreasonable or does not unfairly burden the use of the
15 owner's property, the special magistrate ~~master~~ must recommend
16 that the development order or enforcement action remain
17 undisturbed and the proceeding shall end, subject to the
18 owner's retention of all other available remedies.

19 (b) If the special magistrate ~~master~~ finds that the
20 development order or enforcement action, or the development
21 order or enforcement action in combination with the actions or
22 regulations of other governmental entities, is unreasonable or
23 unfairly burdens use of the owner's property, the special
24 magistrate ~~master~~, with the owner's consent to proceed, may
25 recommend one or more alternatives that protect the public
26 interest served by the development order or enforcement action
27 and regulations at issue but allow for reduced restraints on
28 the use of the owner's real property, including, but not
29 limited to:

30
31

1 1. An adjustment of land development or permit
2 standards or other provisions controlling the development or
3 use of land.

4 2. Increases or modifications in the density,
5 intensity, or use of areas of development.

6 3. The transfer of development rights.

7 4. Land swaps or exchanges.

8 5. Mitigation, including payments in lieu of onsite
9 mitigation.

10 6. Location on the least sensitive portion of the
11 property.

12 7. Conditioning the amount of development or use
13 permitted.

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

16 9. Issuance of the development order, a variance,
17 special exception, or other extraordinary relief, including
18 withdrawal of the enforcement action.

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

21 (c) This subsection does not prohibit the owner and
22 governmental entity from entering in to an agreement as to the
23 permissible use of the property prior to the special
24 magistrate ~~master~~ entering a recommendation. An agreement for
25 a permissible use must be incorporated in the special
26 magistrate's ~~master's~~ recommendation.

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

1 (21) Within 45 days after receipt of the special
2 magistrate's ~~master's~~ recommendation, the governmental entity
3 responsible for the development order or enforcement action
4 and other governmental entities participating in the
5 proceeding must consult among themselves and each governmental
6 entity must:

7 (a) Accept the recommendation of the special
8 magistrate ~~master~~ as submitted and proceed to implement it by
9 development agreement, when appropriate, or by other method,
10 in the ordinary course and consistent with the rules and
11 procedures of that governmental entity. However, the decision
12 of the governmental entity to accept the recommendation of the
13 special magistrate ~~master~~ with respect to granting a
14 modification, variance, or special exception to the
15 application of statutes, rules, regulations, or ordinances as
16 they would otherwise apply to the subject property does not
17 require an owner to duplicate previous processes in which the
18 owner has participated in order to effectuate the granting of
19 the modification, variance, or special exception;

20 (b) Modify the recommendation as submitted by the
21 special magistrate ~~master~~ and proceed to implement it by
22 development agreement, when appropriate, or by other method,
23 in the ordinary course and consistent with the rules and
24 procedures of that governmental entity; or

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

30 (22) If a governmental entity accepts the special
31 magistrate's ~~master's~~ recommendation or modifies it and the

1 owner rejects the acceptance or modification, or if a
2 governmental entity rejects the special magistrate's ~~master's~~
3 recommendation, the governmental entity must issue a written
4 decision within 30 days that describes as specifically as
5 possible the use or uses available to the subject real
6 property.

7 (23) The procedure established by this section may not
8 continue longer than 165 days, unless the period is extended
9 by agreement of the parties. A decision describing available
10 uses constitutes the last prerequisite to judicial action and
11 the matter is ripe or final for subsequent judicial
12 proceedings unless the owner initiates a proceeding under ss.
13 120.569 and 120.57. If the owner brings a proceeding under ss.
14 120.569 and 120.57, the matter is ripe when the proceeding
15 culminates in a final order whether further appeal is
16 available or not.

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

24 (25) Regardless of the action the governmental entity
25 takes on the special magistrate's ~~master's~~ recommendation, a
26 recommendation that the development order or enforcement
27 action, or the development order or enforcement action in
28 combination with other governmental regulatory actions, is
29 unreasonable or unfairly burdens use of the owner's real
30 property may serve as an indication of sufficient hardship to
31 support modification, variances, or special exceptions to the

1 application of statutes, rules, regulations, or ordinances to
2 the subject property.

3 (26) A special magistrate's ~~master's~~ recommendation
4 under this section constitutes data in support of, and a
5 support document for, a comprehensive plan or comprehensive
6 plan amendment, but is not, in and of itself, dispositive of a
7 determination of compliance with chapter 163. Any
8 comprehensive plan amendment necessary to carry out the
9 approved recommendation of a special magistrate ~~master~~ under
10 this section is exempt from the twice-a-year limit on plan
11 amendments and may be adopted by the local government
12 amendments in s. 163.3184(16)(d).

13 (27) The special magistrate ~~master~~ shall send a copy
14 of the recommendation in each case to the Department of Legal
15 Affairs. Each governmental entity, within 15 days after its
16 action on the special magistrate's ~~master's~~ recommendation,
17 shall notify the Department of Legal Affairs in writing as to
18 what action the governmental entity took on the special
19 magistrate's ~~master's~~ recommendation.

20 (28) Each governmental entity may establish procedural
21 guidelines to govern the conduct of proceedings authorized by
22 this section, which must include, but are not limited to,
23 payment of special magistrate ~~master~~ fees and expenses,
24 including the costs of providing notice and effecting service
25 of the request for relief under this section, which shall be
26 borne equally by the governmental entities and the owner.

27 (29) This section shall be liberally construed to
28 effect fully its obvious purposes and intent, and governmental
29 entities shall direct all available resources and authorities
30 to effect fully the obvious purposes and intent of this
31 section in resolving disputes. Governmental entities are

1 encouraged to expedite notice and time-related provisions to
2 implement resolution of disputes under this section. The
3 procedure established by this section may be used to resolve
4 disputes in pending judicial proceedings, with the agreement
5 of the parties to the judicial proceedings, and subject to the
6 approval of the court in which the judicial proceedings are
7 pending. The provisions of this section are cumulative, and
8 do not supplant other methods agreed to by the parties and
9 lawfully available for arbitration, mediation, or other forms
10 of alternative dispute resolution.

11 (30) This section applies only to development orders
12 issued, modified, or amended, or to enforcement actions
13 issued, on or after October 1, 1995.

14 Section 100. Subsection (1) of section 92.142, Florida
15 Statutes, is amended to read:

16 92.142 Witnesses; pay.--

17 (1) Witnesses in all cases, civil and criminal, in all
18 courts, now or hereafter created, and witnesses summoned
19 before any arbitrator or general or special magistrate
20 appointed by the court ~~master in chancery~~ shall receive for
21 each day's actual attendance \$5 and also 6 cents per mile for
22 actual distance traveled to and from the courts. A witness in
23 a criminal case required to appear in a county other than the
24 county of his or her residence and residing more than 50 miles
25 from the location of the trial shall be entitled to per diem
26 and travel expenses at the same rate provided for state
27 employees under s. 112.061, in lieu of any other witness fee
28 at the discretion of the court.

29 Section 101. Section 112.41, Florida Statutes, is
30 amended to read:

31

1 112.41 Contents of order of suspension; Senate select
2 committee; special magistrate ~~examiner~~.--

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

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

10 (3) The Senate may provide for a select committee to
11 be appointed by the Senate in accordance with its rules for
12 the purpose of hearing the evidence and making its
13 recommendation to the Senate as to the removal or
14 reinstatement of the suspended officer.

15 (4) The Senate may, in lieu of the use of a select
16 committee, appoint a ~~special examiner or a~~ special magistrate
17 ~~master~~ to receive the evidence and make recommendations to the
18 Senate.

19 Section 102. Section 112.43, Florida Statutes, is
20 amended to read:

21 112.43 Prosecution of suspension before Senate.--All
22 suspensions heard by the Senate, a select committee, or
23 special magistrate ~~master, or examiner~~ in accordance with
24 rules of the Senate shall be prosecuted by the Governor, the
25 Governor's legal staff, or an attorney designated by the
26 Governor. Should the Senate, or the select committee
27 appointed by the Senate to hear the evidence and to make
28 recommendations, desire private counsel, either the Senate or
29 the select committee shall be entitled to employ its own
30 counsel for this purpose. Nothing herein shall prevent the
31 Senate or its select committee from making its own

1 investigation and presenting such evidence as its
2 investigation may reveal. The Governor may request the advice
3 of the Department of Legal Affairs relative to the suspension
4 order prior to its issuance by the Governor. Following the
5 issuance of the suspension order, either the Senate or the
6 select committee may request the Department of Legal Affairs
7 to provide counsel for the Senate to advise on questions of
8 law or otherwise advise with the Senate or the select
9 committee, but the Department of Legal Affairs shall not be
10 required to prosecute before the Senate or the committee and
11 shall, pursuant to the terms of this section, act as the legal
12 adviser only.

13 Section 103. Section 112.47, Florida Statutes, is
14 amended to read:

15 112.47 Hearing before Senate select committee;
16 notice.--The Senate shall afford each suspended official a
17 hearing before a select committee or special magistrate,
18 ~~master, or examiner,~~ and shall notify such suspended official
19 of the time and place of the hearing sufficiently in advance
20 thereof to afford such official an opportunity fully and
21 adequately to prepare such defenses as the official may be
22 advised are necessary and proper, and all such defenses may be
23 presented by the official or by the official's attorney. In
24 the furtherance of this provision the Senate shall adopt
25 sufficient procedural rules to afford due process both to the
26 Governor in the presentation of his or her evidence and to the
27 suspended official, but in the absence of such adoption, this
28 section shall afford a full and complete hearing, public in
29 nature, as required by the State Constitution. However,
30 nothing in this part shall prevent either the select committee
31

1 or the Senate from conducting portions of the hearing in
2 executive session if the Senate rules so provide.

3 Section 104. Subsection (2) of section 162.03, Florida
4 Statutes, is amended to read:

5 162.03 Applicability.--

6 (2) A charter county, a noncharter county, or a
7 municipality may, by ordinance, adopt an alternate code
8 enforcement system that ~~which~~ gives code enforcement boards or
9 special magistrates ~~masters~~ designated by the local governing
10 body, or both, the authority to hold hearings and assess fines
11 against violators of the respective county or municipal codes
12 and ordinances. A special magistrate ~~master~~ shall have the
13 same status as an enforcement board under this chapter.
14 References in this chapter to an enforcement board, except in
15 s. 162.05, shall include a special magistrate ~~master~~ if the
16 context permits.

17 Section 105. Subsection (5) of section 162.06, Florida
18 Statutes, is amended to read:

19 162.06 Enforcement procedure.--

20 (5) If the owner of property that ~~which~~ is subject to
21 an enforcement proceeding before an enforcement board, special
22 magistrate ~~master~~, or court transfers ownership of such
23 property between the time the initial pleading was served and
24 the time of the hearing, such owner shall:

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

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

30 (c) Disclose, in writing, to the prospective
31 transferee that the new owner will be responsible for

1 compliance with the applicable code and with orders issued in
2 the code enforcement proceeding.

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

7
8 A failure to make the disclosures described in paragraphs (a),
9 (b), and (c) before the transfer creates a rebuttable
10 presumption of fraud. If the property is transferred before
11 the hearing, the proceeding shall not be dismissed, but the
12 new owner shall be provided a reasonable period of time to
13 correct the violation before the hearing is held.

14 Section 106. Paragraph (d) of subsection (2) of
15 section 162.09, Florida Statutes, is amended to read:

16 162.09 Administrative fines; costs of repair; liens.--

17 (2)

18 (d) A county or a municipality having a population
19 equal to or greater than 50,000 may adopt, by a vote of at
20 least a majority plus one of the entire governing body of the
21 county or municipality, an ordinance that gives code
22 enforcement boards or special magistrates ~~masters~~, or both,
23 authority to impose fines in excess of the limits set forth in
24 paragraph (a). Such fines shall not exceed \$1,000 per day per
25 violation for a first violation, \$5,000 per day per violation
26 for a repeat violation, and up to \$15,000 per violation if the
27 code enforcement board or special magistrate ~~master~~ finds the
28 violation to be irreparable or irreversible in nature. In
29 addition to such fines, a code enforcement board or special
30 magistrate ~~master~~ may impose additional fines to cover all
31 costs incurred by the local government in enforcing its codes

1 and all costs of repairs pursuant to subsection (1). Any
2 ordinance imposing such fines shall include criteria to be
3 considered by the code enforcement board or special magistrate
4 ~~master~~ in determining the amount of the fines, including, but
5 not limited to, those factors set forth in paragraph (b).

6 Section 107. Section 173.09, Florida Statutes, is
7 amended to read:

8 173.09 Judgment for complainant; special magistrate's
9 ~~master's~~ sale; complainant may purchase and later sell.--

10 (1) Any such decree shall direct the special
11 magistrate ~~master~~ thereby appointed to sell the several
12 parcels of land separately to the highest and best bidder for
13 cash (or, at the option of complainant, to the extent of
14 special assessments included in such judgment, for bonds or
15 interest coupons issued by complainant), at public outcry at
16 the courthouse door of the county in which such suit is
17 pending, or at such point or place in the complainant
18 municipality as the court in such final decree may direct,
19 after having advertised such sale (which advertisement may
20 include all lands so ordered sold) once each week for 2
21 consecutive weeks in some newspaper published in the
22 municipality ~~city or town~~ in which ~~is~~ the complainant arose
23 or, if there is no such newspaper, in a newspaper published in
24 the county in which the suit is pending, and if all the lands
25 so advertised for sale be not sold on the day specified in
26 such advertisement, such sale shall be continued from day to
27 day until the sale of all such land is completed.

28 (2) Such sales shall be subject to confirmation by the
29 court, and the ~~said~~ special magistrate ~~master~~ shall, upon
30 confirmation of the sale or sales, deliver to the purchaser or
31 purchasers at said sale a deed of conveyance of the property

1 so sold; provided, however, that in any case where any lands
2 are offered for sale by the special magistrate ~~master~~ and the
3 sum of the tax, tax certificates and special assessments,
4 interest, penalty, costs, and attorney's fee is not bid for
5 the same, the complainant may bid the whole amount due and the
6 special magistrate ~~master~~ shall thereupon convey such parcel
7 or parcels of land to the complainant.

8 (3) The property so bid in by complainant shall become
9 its property in fee simple and may be disposed of by it in the
10 manner provided by law, except that in the sale or disposition
11 of any such lands the municipality ~~city or town~~ may, in its
12 discretion, accept in payment or part payment therefor any
13 bonds or interest coupons constituting liabilities of the
14 municipality ~~said city or town~~.

15 Section 108. Section 173.10, Florida Statutes, is
16 amended to read:

17 173.10 Judgment for complainant; court may order
18 payment of other taxes or sale subject to taxes; special
19 magistrate's ~~master's~~ conveyances.--

20 (1) In the judgment or decree the court may, in its
21 discretion, direct the payment of all unpaid state and county
22 taxes and also all unpaid municipal ~~city or town~~ taxes and
23 special assessments or installments thereof, imposed or
24 falling due since the institution of the suit, with the
25 penalties and costs, out of the proceeds of such foreclosure
26 sale, or it may order and direct such sale or sales to be made
27 subject to such state, and county, and municipal ~~city or town~~
28 taxes and special assessments.

29 (2) Any and all conveyances by the special magistrate
30 ~~master~~ shall vest in the purchaser the fee simple title to the
31 property so sold, subject only to such liens for state and

1 county taxes or taxing districts whose liens are of equal
2 dignity, and liens for municipal taxes and special
3 assessments, or installments thereof, as are not directed by
4 the decree of sale to be paid out of the proceeds of said
5 sale.

6 Section 109. Section 173.11, Florida Statutes, is
7 amended to read:

8 173.11 Distribution of proceeds of sale.--The proceeds
9 of any foreclosure sale authorized by this chapter shall be
10 distributed by the special magistrate ~~master~~ conducting the
11 sale according to the final decree, and if any surplus remains
12 after the payment of the full amount of the decree, costs and
13 attorney's fees, and any subsequent tax liens that ~~which~~ may
14 be directed by such decree to be paid from the proceeds of
15 sale, such surplus shall be deposited with the clerk of the
16 court and disbursed under order of the court.

17 Section 110. Section 173.12, Florida Statutes, is
18 amended to read:

19 173.12 Lands may be redeemed prior to sale.--Any
20 person interested in any lands included in the suit may redeem
21 such lands at any time prior to the sale thereof by the
22 special magistrate ~~master~~ by paying into the registry of the
23 court the amount due for delinquent taxes, interest and
24 penalties thereon, and such proportionate part of the expense,
25 attorney's fees, and costs of suit as may have been fixed by
26 the court in its decree of sale, or by written stipulation of
27 complainant, and thereupon such lands shall be dismissed from
28 the cause.

29 Section 111. Subsection (1) of section 194.013,
30 Florida Statutes, is amended to read:

31

1 194.013 Filing fees for petitions; disposition;
2 waiver.--

3 (1) If so required by resolution of the value
4 adjustment board, a petition filed pursuant to s. 194.011
5 shall be accompanied by a filing fee to be paid to the clerk
6 of the value adjustment board in an amount determined by the
7 board not to exceed \$15 for each separate parcel of property,
8 real or personal, covered by the petition and subject to
9 appeal. However, no such filing fee may be required with
10 respect to an appeal from the disapproval of homestead
11 exemption under s. 196.151 or from the denial of tax deferral
12 under s. 197.253. Only a single filing fee shall be charged
13 under this section as to any particular parcel of property
14 despite the existence of multiple issues and hearings
15 pertaining to such parcel. For joint petitions filed pursuant
16 to s. 194.011(3)(e) or (f), a single filing fee shall be
17 charged. Such fee shall be calculated as the cost of the
18 special magistrate ~~master~~ for the time involved in hearing the
19 joint petition and shall not exceed \$5 per parcel. Said fee
20 is to be proportionately paid by affected parcel owners.

21 Section 112. Paragraph (d) of subsection (1) and
22 subsections (2) and (6) of section 194.034, Florida Statutes,
23 are amended to read:

24 194.034 Hearing procedures; rules.--

25 (1)

26 (d) Notwithstanding the provisions of this subsection,
27 no petitioner may present for consideration, nor may a board
28 or special magistrate ~~master~~ accept for consideration,
29 testimony or other evidentiary materials that were requested
30 of the petitioner in writing by the property appraiser of

31

1 which the petitioner had knowledge and denied to the property
2 appraiser.

3 (2) In each case, except when a complaint is withdrawn
4 by the petitioner or is acknowledged as correct by the
5 property appraiser, the value adjustment board shall render a
6 written decision. All such decisions shall be issued within
7 20 calendar days after ~~of~~ the last day the board is in session
8 under s. 194.032. The decision of the board shall contain
9 findings of fact and conclusions of law and shall include
10 reasons for upholding or overturning the determination of the
11 property appraiser. When a special magistrate ~~master~~ has been
12 appointed, the recommendations of the special magistrate
13 ~~master~~ shall be considered by the board. The clerk, upon
14 issuance of the decisions, shall, on a form provided by the
15 Department of Revenue, notify by first-class mail each
16 taxpayer, the property appraiser, and the department of the
17 decision of the board.

18 (6) For purposes of hearing joint petitions filed
19 pursuant to s. 194.011(3)(e), each included parcel shall be
20 considered by the board as a separate petition. Such separate
21 petitions shall be heard consecutively by the board. If a
22 special magistrate ~~master~~ is appointed, such separate
23 petitions shall all be assigned to the same special magistrate
24 ~~master~~.

25 Section 113. Section 194.035, Florida Statutes, is
26 amended to read:

27 194.035 Special magistrates ~~masters~~; property
28 evaluators.--

29 (1) In counties having a population of more than
30 75,000, the board shall appoint special magistrates ~~masters~~
31 for the purpose of taking testimony and making recommendations

1 to the board, which recommendations the board may act upon
2 without further hearing. These ~~Such~~ special magistrates
3 ~~masters~~ may not be elected or appointed officials or employees
4 of the county but shall be selected from a list of those
5 qualified individuals who are willing to serve as special
6 magistrates ~~masters~~. Employees and elected or appointed
7 officials of a taxing jurisdiction or of the state may not
8 serve as special magistrates ~~masters~~. The clerk of the board
9 shall annually notify such individuals or their professional
10 associations to make known to them that opportunities to serve
11 as special magistrates ~~masters~~ exist. The Department of
12 Revenue shall provide a list of qualified special magistrates
13 ~~masters~~ to any county with a population of 75,000 or less.
14 Subject to appropriation, the department shall reimburse
15 counties with a population of 75,000 or less for payments made
16 to special magistrates ~~masters~~ appointed for the purpose of
17 taking testimony and making recommendations to the value
18 adjustment board pursuant to this section. The department
19 shall establish a reasonable range for payments per case to
20 special magistrates ~~masters~~ based on such payments in other
21 counties. Requests for reimbursement of payments outside this
22 range shall be justified by the county. If the total of all
23 requests for reimbursement in any year exceeds the amount
24 available pursuant to this section, payments to all counties
25 shall be prorated accordingly. A special magistrate ~~master~~
26 appointed to hear issues of exemptions and classifications
27 shall be a member of The Florida Bar with no less than 5
28 years' experience in the area of ad valorem taxation. A
29 special magistrate ~~master~~ appointed to hear issues regarding
30 the valuation of real estate shall be a state certified real
31 estate appraiser with not less than 5 years' experience in

1 real property valuation. A special magistrate ~~master~~ appointed
2 to hear issues regarding the valuation of tangible personal
3 property shall be a designated member of a nationally
4 recognized appraiser's organization with not less than 5
5 years' experience in tangible personal property valuation. A
6 special magistrate ~~master~~ need not be a resident of the county
7 in which he or she serves. A ~~No~~ special magistrate may not
8 ~~master shall be permitted to~~ represent a person before the
9 board in any tax year during which he or she has served that
10 board as a special magistrate ~~master~~. The board shall appoint
11 special magistrates ~~such masters~~ from the list so compiled
12 prior to convening of the board. The expense of hearings
13 before magistrates ~~masters~~ and any compensation of special
14 magistrates ~~masters~~ shall be borne three-fifths by the board
15 of county commissioners and two-fifths by the school board.

16 (2) The value adjustment board of each county may
17 employ qualified property appraisers or evaluators to appear
18 before the value adjustment board at that meeting of the board
19 which is held for the purpose of hearing complaints. Such
20 property appraisers or evaluators shall present testimony as
21 to the just value of any property the value of which is
22 contested before the board and shall submit to examination by
23 the board, the taxpayer, and the property appraiser.

24 Section 114. Section 206.16, Florida Statutes, is
25 amended to read:

26 206.16 Officer selling property.--

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

1 (a) The name of the plaintiff or party at whose
2 instance or upon whose account the sale is made;

3 (b) The name of the person whose property or franchise
4 is to be sold;

5 (c) The time and place of sale; and

6 (d) The nature of the property and the location of the
7 same.

8 (2) The department, after receiving notice as
9 aforesaid, shall furnish to the sheriff, receiver, trustee,
10 assignee, general or special magistrate ~~master~~, or other
11 officer having charge of the sale a certified copy or copies
12 of all fuel taxes, penalties, and interest on file in the
13 office of the department as liens against such person, and, in
14 the event there are no such liens, a certificate showing that
15 fact, which certified copies or copy of certificate shall be
16 publicly read by such officer at and immediately before the
17 sale of the property or franchise of such person.

18 Section 115. Section 207.016, Florida Statutes, is
19 amended to read:

20 207.016 Officer's sale of property or franchise.--

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

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

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

30 (c) The time and place of sale.

31

1 (d) The nature of the property and the location of the
2 same.

3 (2) The department, after receiving notice as provided
4 in subsection (1), shall furnish to the sheriff, receiver,
5 trustee, assignee, general or special magistrate ~~master~~, or
6 other officer having charge of the sale a certified copy or
7 copies of all taxes, penalties, and interest on file in the
8 office of the department as liens against such person and, in
9 the event there are no such liens, a certificate showing that
10 fact, which certified copy or copies of certificate shall be
11 publicly read by such officer at and immediately before the
12 sale of the property or franchise of such person.

13 Section 116. Section 320.411, Florida Statutes, is
14 amended to read:

15 320.411 Officer's sale of property or franchise.--

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

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

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

25 (c) The time and place of sale.

26 (d) The nature of the property and the location of the
27 same.

28 (2) The department, after receiving notice as provided
29 in subsection (1), shall furnish to the sheriff, receiver,
30 trustee, assignee, general or special magistrate ~~master~~, or
31 other officer having charge of the sale a certified copy of

1 all taxes, penalties, and interest on file in the office of
2 the department as liens against such motor carrier and, in the
3 event there are no such liens, a certificate showing that
4 fact, which certified copy or copies of certificate shall be
5 publicly read by such officer at and immediately before the
6 sale of the property or franchise of such motor carrier.

7 Section 117. Subsection (7) of section 393.11, Florida
8 Statutes, is amended to read:

9 393.11 Involuntary admission to residential
10 services.--

11 (7) HEARING.--

12 (a) The hearing for involuntary admission shall be
13 conducted, and the order shall be entered, in the county in
14 which the person is residing or be as convenient to the person
15 as may be consistent with orderly procedure. The hearing shall
16 be conducted in a physical setting not likely to be injurious
17 to the person's condition.

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

22 (c) The court may appoint a general or special
23 magistrate ~~master~~ to preside. Except as otherwise specified,
24 the magistrate's ~~master's~~ proceeding shall be governed by Rule
25 1.490, Florida Rules of Civil Procedure.

26 (d) The person with mental retardation shall be
27 physically present throughout the entire proceeding. If the
28 person's attorney believes that the person's presence at the
29 hearing is not in the person's best interest, the person's
30 presence may be waived once the court has seen the person and
31 the hearing has commenced.

1 (e) The person shall have the right to present
2 evidence and to cross-examine all witnesses and other evidence
3 alleging the appropriateness of the person's admission to
4 residential care. Other relevant and material evidence
5 regarding the appropriateness of the person's admission to
6 residential services; the most appropriate, least restrictive
7 residential placement; and the appropriate care, treatment,
8 and habilitation of the person, including written or oral
9 reports, may be introduced at the hearing by any interested
10 person.

11 (f) The petitioning commission may be represented by
12 counsel at the hearing. The petitioning commission shall have
13 the right to call witnesses, present evidence, cross-examine
14 witnesses, and present argument on behalf of the petitioning
15 commission.

16 (g) All evidence shall be presented according to
17 chapter 90. The burden of proof shall be on the party
18 alleging the appropriateness of the person's admission to
19 residential services. The burden of proof shall be by clear
20 and convincing evidence.

21 (h) All stages of each proceeding shall be
22 stenographically reported.

23 Section 118. Subsections (6) and (7) of section
24 394.467, Florida Statutes, are amended to read:

25 394.467 Involuntary placement.--

26 (6) HEARING ON INVOLUNTARY PLACEMENT.--

27 (a)1. The court shall hold the hearing on involuntary
28 placement within 5 days, unless a continuance is granted. The
29 hearing shall be held in the county where the patient is
30 located and shall be as convenient to the patient as may be
31 consistent with orderly procedure and shall be conducted in

1 physical settings not likely to be injurious to the patient's
2 condition. If the court finds that the patient's attendance
3 at the hearing is not consistent with the best interests of
4 the patient, and the patient's counsel does not object, the
5 court may waive the presence of the patient from all or any
6 portion of the hearing. The state attorney for the circuit in
7 which the patient is located shall represent the state, rather
8 than the petitioning facility administrator, as the real party
9 in interest in the proceeding.

10 2. The court may appoint a general or special
11 magistrate ~~master~~ to preside at the hearing. One of the
12 professionals who executed the involuntary placement
13 certificate shall be a witness. The patient and the patient's
14 guardian or representative shall be informed by the court of
15 the right to an independent expert examination. If the
16 patient cannot afford such an examination, the court shall
17 provide for one. The independent expert's report shall be
18 confidential and not discoverable, unless the expert is to be
19 called as a witness for the patient at the hearing. The
20 testimony in the hearing must be given under oath, and the
21 proceedings must be recorded. The patient may refuse to
22 testify at the hearing.

23 (b) If the court concludes that the patient meets the
24 criteria for involuntary placement, it shall order that the
25 patient be transferred to a treatment facility or, if the
26 patient is at a treatment facility, that the patient be
27 retained there or be treated at any other appropriate
28 receiving or treatment facility, or that the patient receive
29 services from a receiving or treatment facility, on an
30 involuntary basis, for a period of up to 6 months. The order
31 shall specify the nature and extent of the patient's mental

1 illness. The facility shall discharge a patient any time the
2 patient no longer meets the criteria for involuntary
3 placement, unless the patient has transferred to voluntary
4 status.

5 (c) If at any time prior to the conclusion of the
6 hearing on involuntary placement it appears to the court that
7 the person does not meet the criteria for involuntary
8 placement under this chapter, but instead meets the criteria
9 for involuntary assessment, protective custody, or involuntary
10 admission pursuant to s. 397.675, then the court may order the
11 person to be admitted for involuntary assessment for a period
12 of 5 days pursuant to s. 397.6811. Thereafter, all
13 proceedings shall be governed by chapter 397.

14 (d) At the hearing on involuntary placement, the court
15 shall consider testimony and evidence regarding the patient's
16 competence to consent to treatment. If the court finds that
17 the patient is incompetent to consent to treatment, it shall
18 appoint a guardian advocate as provided in s. 394.4598.

19 (e) The administrator of the receiving facility shall
20 provide a copy of the court order and adequate documentation
21 of a patient's mental illness to the administrator of a
22 treatment facility whenever a patient is ordered for
23 involuntary placement, whether by civil or criminal court.
24 Such documentation shall include any advance directives made
25 by the patient, a psychiatric evaluation of the patient, and
26 any evaluations of the patient performed by a clinical
27 psychologist or a clinical social worker. The administrator of
28 a treatment facility may refuse admission to any patient
29 directed to its facilities on an involuntary basis, whether by
30 civil or criminal court order, who is not accompanied at the
31 same time by adequate orders and documentation.

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

2 (a) Hearings on petitions for continued involuntary
3 placement shall be administrative hearings and shall be
4 conducted in accordance with the provisions of s. 120.57(1),
5 except that any order entered by the administrative law judge
6 ~~hearing officer~~ shall be final and subject to judicial review
7 in accordance with s. 120.68. Orders concerning patients
8 committed after successfully pleading not guilty by reason of
9 insanity shall be governed by the provisions of s. 916.15.

10 (b) If the patient continues to meet the criteria for
11 involuntary placement, the administrator shall, prior to the
12 expiration of the period during which the treatment facility
13 is authorized to retain the patient, file a petition
14 requesting authorization for continued involuntary placement.
15 The request shall be accompanied by a statement from the
16 patient's physician or clinical psychologist justifying the
17 request, a brief description of the patient's treatment during
18 the time he or she was involuntarily placed, and an
19 individualized plan of continued treatment. Notice of the
20 hearing shall be provided as set forth in s. 394.4599. If at
21 the hearing the administrative law judge ~~hearing officer~~ finds
22 that attendance at the hearing is not consistent with the best
23 interests of the patient, the administrative law judge ~~hearing~~
24 ~~officer~~ may waive the presence of the patient from all or any
25 portion of the hearing, unless the patient, through counsel,
26 objects to the waiver of presence. The testimony in the
27 hearing must be under oath, and the proceedings must be
28 recorded.

29 (c) Unless the patient is otherwise represented or is
30 ineligible, he or she shall be represented at the hearing on
31

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

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

9 (e) If continued involuntary placement is necessary
10 for a patient admitted while serving a criminal sentence, but
11 whose sentence is about to expire, or for a patient
12 involuntarily placed while a minor but who is about to reach
13 the age of 18, the administrator shall petition the
14 administrative law judge for an order authorizing continued
15 involuntary placement.

16 (f) If the patient has been previously found
17 incompetent to consent to treatment, the administrative law
18 judge hearing officer shall consider testimony and evidence
19 regarding the patient's competence. If the administrative law
20 judge hearing officer finds evidence that the patient is now
21 competent to consent to treatment, the administrative law
22 judge hearing officer may issue a recommended order to the
23 court that found the patient incompetent to consent to
24 treatment that the patient's competence be restored and that
25 any guardian advocate previously appointed be discharged.

26 Section 119. Subsection (7) of section 397.311,
27 Florida Statutes, is amended to read:

28 397.311 Definitions.--As used in this chapter, except
29 part VIII:

30 (7) "Court" means, with respect to all involuntary
31 proceedings under this chapter, the circuit court of the

1 county in which the judicial proceeding is pending or where
2 the substance abuse impaired person resides or is located, and
3 includes any general or special magistrate ~~master~~ that may be
4 appointed by the chief judge to preside over all or part of
5 such proceeding. Otherwise, "court" refers to the court of
6 legal jurisdiction in the context in which the term is used in
7 this chapter.

8 Section 120. Subsection (1) of section 397.681,
9 Florida Statutes, is amended to read:

10 397.681 Involuntary petitions; general provisions;
11 court jurisdiction and right to counsel.--

12 (1) JURISDICTION.--The courts have jurisdiction of
13 involuntary assessment and stabilization petitions and
14 involuntary treatment petitions for substance abuse impaired
15 persons, and such petitions must be filed with the clerk of
16 the court in the county where the person is located. The
17 chief judge may appoint a general or special magistrate ~~master~~
18 to preside over all or part of the proceedings. The alleged
19 impaired person is named as the respondent.

20 Section 121. Subsection (5) of section 447.207,
21 Florida Statutes, is amended to read:

22 447.207 Commission; powers and duties.--

23 (5) The commission shall adopt rules as to the
24 qualifications of persons who may serve as mediators and
25 special magistrates ~~masters~~ and shall maintain lists of such
26 qualified persons who are not employees of the commission.
27 The commission may initiate dispute resolution procedures by
28 special magistrates ~~masters~~, pursuant to the provisions of
29 this part.

30 Section 122. Subsections (2), (3), and (4) of section
31 447.403, Florida Statutes, are amended to read:

1 447.403 Resolution of impasses.--

2 (2)(a) If no mediator is appointed, or upon the
3 request of either party, the commission shall appoint, and
4 submit all unresolved issues to, a special magistrate ~~master~~
5 acceptable to both parties. If the parties are unable to agree
6 on the appointment of a special magistrate ~~master~~, the
7 commission shall appoint, in its discretion, a qualified
8 special magistrate ~~master~~. However, if the parties agree in
9 writing to waive the appointment of a special magistrate
10 ~~master~~, the parties may proceed directly to resolution of the
11 impasse by the legislative body pursuant to paragraph (4)(d).
12 Nothing in this section precludes the parties from using the
13 services of a mediator at any time during the conduct of
14 collective bargaining.

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

19 (3) The special magistrate ~~master~~ shall hold hearings
20 in order to define the area or areas of dispute, to determine
21 facts relating to the dispute, and to render a decision on any
22 and all unresolved contract issues. The hearings shall be
23 held at times, dates, and places to be established by the
24 special magistrate ~~master~~ in accordance with rules promulgated
25 by the commission. The special magistrate ~~master~~ shall be
26 empowered to administer oaths and issue subpoenas on behalf of
27 the parties to the dispute or on his or her own behalf.
28 Within 15 calendar days after the close of the final hearing,
29 the special magistrate ~~master~~ shall transmit his or her
30 recommended decision to the commission and to the
31 representatives of both parties by registered mail, return

1 receipt requested. Such recommended decision shall be
2 discussed by the parties, and each recommendation of the
3 special magistrate ~~master~~ shall be deemed approved by both
4 parties unless specifically rejected by either party by
5 written notice filed with the commission within 20 calendar
6 days after the date the party received the special
7 magistrate's ~~master's~~ recommended decision. The written
8 notice shall include a statement of the cause for each
9 rejection and shall be served upon the other party.

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

13 (a) The chief executive officer of the governmental
14 entity involved shall, within 10 days after rejection of a
15 recommendation of the special magistrate ~~master~~, submit to the
16 legislative body of the governmental entity involved a copy of
17 the findings of fact and recommended decision of the special
18 magistrate ~~master~~, together with the chief executive officer's
19 recommendations for settling the disputed impasse issues. The
20 chief executive officer shall also transmit his or her
21 recommendations to the employee organization.

22 (b) The employee organization shall submit its
23 recommendations for settling the disputed impasse issues to
24 such legislative body and to the chief executive officer;

25 (c) The legislative body or a duly authorized
26 committee thereof shall forthwith conduct a public hearing at
27 which the parties shall be required to explain their positions
28 with respect to the rejected recommendations of the special
29 magistrate ~~master~~;

30 (d) Thereafter, the legislative body shall take such
31 action as it deems to be in the public interest, including the

1 interest of the public employees involved, to resolve all
2 disputed impasse issues; and

3 (e) Following the resolution of the disputed impasse
4 issues by the legislative body, the parties shall reduce to
5 writing an agreement which includes those issues agreed to by
6 the parties and those disputed impasse issues resolved by the
7 legislative body's action taken pursuant to paragraph (d). The
8 agreement shall be signed by the chief executive officer and
9 the bargaining agent and shall be submitted to the public
10 employer and to the public employees who are members of the
11 bargaining unit for ratification. If such agreement is not
12 ratified by all parties, pursuant to the provisions of s.
13 447.309, the legislative body's action taken pursuant to the
14 provisions of paragraph (d) shall take effect as of the date
15 of such legislative body's action for the remainder of the
16 first fiscal year which was the subject of negotiations;
17 however, the legislative body's action shall not take effect
18 with respect to those disputed impasse issues which establish
19 the language of contractual provisions which could have no
20 effect in the absence of a ratified agreement, including, but
21 not limited to, preambles, recognition clauses, and duration
22 clauses.

23 Section 123. Section 447.405, Florida Statutes, is
24 amended to read:

25 447.405 Factors to be considered by the special
26 magistrate ~~master~~.--The special magistrate ~~master~~ shall
27 conduct the hearings and render recommended decisions with the
28 objective of achieving a prompt, peaceful, and just settlement
29 of disputes between the public employee organizations and the
30 public employers. The factors, among others, to be given

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1 weight by the special magistrate ~~master~~ in arriving at a
2 recommended decision shall include:

3 (1) Comparison of the annual income of employment of
4 the public employees in question with the annual income of
5 employment maintained for the same or similar work of
6 employees exhibiting like or similar skills under the same or
7 similar working conditions in the local operating area
8 involved.

9 (2) Comparison of the annual income of employment of
10 the public employees in question with the annual income of
11 employment of public employees in similar public employee
12 governmental bodies of comparable size within the state.

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

14 (4) Comparison of peculiarities of employment in
15 regard to other trades or professions, specifically with
16 respect to:

- 17 (a) Hazards of employment.
- 18 (b) Physical qualifications.
- 19 (c) Educational qualifications.
- 20 (d) Intellectual qualifications.
- 21 (e) Job training and skills.
- 22 (f) Retirement plans.
- 23 (g) Sick leave.
- 24 (h) Job security.
- 25 (5) Availability of funds.

26 Section 124. Section 447.407, Florida Statutes, is
27 amended to read:

28 447.407 Compensation of mediator and special
29 magistrate ~~master~~; expenses.--The compensation of the mediator
30 and special magistrate ~~master~~, and all stenographic and other
31 expenses, shall be borne equally by the parties.

1 Section 125. Section 447.409, Florida Statutes, is
2 amended to read:

3 447.409 Records.--All records that ~~which~~ are relevant
4 to, or have a bearing upon, any issue or issues raised by the
5 proceedings conducted by the special magistrate ~~master~~ shall
6 be made available to the special magistrate ~~master~~ by a
7 request in writing to any of the parties to the impasse
8 proceedings. Notice of such request must ~~shall~~ be furnished
9 to all parties. Any such records that ~~which~~ are made
10 available to the special magistrate ~~master~~ must ~~shall~~ also be
11 made available to any other party to the impasse proceedings,
12 upon written request.

13 Section 126. Subsections (1), (2), (3), (4), (5), and
14 (6) of section 475.011, Florida Statutes, are amended to read:

15 475.011 Exemptions.--This part does not apply to:

16 (1) Any person acting as an attorney in fact for the
17 purpose of the execution of contracts or conveyances only; as
18 an attorney at law within the scope of her or his duties as
19 such; as a certified public accountant, as defined in chapter
20 473, within the scope of her or his duties as such; as the
21 personal representative, receiver, trustee, or general or
22 special magistrate ~~master~~ under, or by virtue of, an
23 appointment by will or by order of a court of competent
24 jurisdiction; or as trustee under a deed of trust, or under a
25 trust agreement, the ultimate purpose and intent whereof is
26 charitable, is philanthropic, or provides for those having a
27 natural right to the bounty of the donor or trustor.†

28 (2) Any individual, corporation, partnership, trust,
29 joint venture, or other entity which sells, exchanges, or
30 leases its own real property; however, this exemption shall
31 not be available if and to the extent that an agent, employee,

1 or independent contractor paid a commission or other
2 compensation strictly on a transactional basis is employed to
3 make sales, exchanges, or leases to or with customers in the
4 ordinary course of an owner's business of selling, exchanging,
5 or leasing real property to the public.†

6 (3) Any employee of a public utility, a rural electric
7 cooperative, a railroad, or a state or local governmental
8 agency who acts within the scope of her or his employment, for
9 which no compensation in addition to the employee's salary is
10 paid, to buy, sell, appraise, exchange, rent, auction, or
11 lease any real property or any interest in real property for
12 the use of her or his employer.†

13 (4) Any salaried employee of an owner, or of a
14 registered broker for an owner, of an apartment community who
15 works in an onsite rental office of the apartment community in
16 a leasing capacity.†

17 (5) Any person employed for a salary as a manager of a
18 condominium or cooperative apartment complex as a result of
19 any activities or duties which the person may have in relation
20 to the renting of individual units within such condominium or
21 cooperative apartment complex if rentals arranged by the
22 person are for periods no greater than 1 year.†

23 (6) Any person, partnership, corporation, or other
24 legal entity which, for another and for compensation or other
25 valuable consideration, sells, offers to sell, advertises for
26 sale, buys, offers to buy, or negotiates the sale or purchase
27 of radio, television, or cable enterprises licensed and
28 regulated by the Federal Communications Commission pursuant to
29 the Communications Act of 1934. However, if the sale or
30 purchase of the radio, television, or cable enterprise
31 involves the sale or lease of land, buildings, fixtures, and

1 all other improvements to the land, a broker or salesperson
2 licensed under this chapter shall be retained for the portion
3 of the transaction which includes the land, buildings,
4 fixtures, and all other improvements to the land. ~~or~~

5 Section 127. Paragraphs (d), (f), (g), (h), and (j) of
6 subsection (5) of section 489.127, Florida Statutes, are
7 amended to read:

8 489.127 Prohibitions; penalties.--

9 (5) Each county or municipality may, at its option,
10 designate one or more of its code enforcement officers, as
11 defined in chapter 162, to enforce, as set out in this
12 subsection, the provisions of subsection (1) and s. 489.132(1)
13 against persons who engage in activity for which a county or
14 municipal certificate of competency or license or state
15 certification or registration is required.

16 (d) The act for which the citation is issued shall be
17 ceased upon receipt of the citation; and the person charged
18 with the violation shall elect either to correct the violation
19 and pay the civil penalty in the manner indicated on the
20 citation or, within 10 days after ~~of~~ receipt of the citation,
21 exclusive of weekends and legal holidays, request an
22 administrative hearing before the enforcement or licensing
23 board or designated special magistrate ~~master~~ to appeal the
24 issuance of the citation by the code enforcement officer.

25 1. Hearings shall be held before an enforcement or
26 licensing board or designated special magistrate ~~master~~ as
27 established by s. 162.03(2), and such hearings shall be
28 conducted pursuant to the requirements of ss. 162.07 and
29 162.08.

30 2. Failure of a violator to appeal the decision of the
31 code enforcement officer within the time period set forth in

1 this paragraph shall constitute a waiver of the violator's
2 right to an administrative hearing. A waiver of the right to
3 an administrative hearing shall be deemed an admission of the
4 violation, and penalties may be imposed accordingly.

5 3. If the person issued the citation, or his or her
6 designated representative, shows that the citation is invalid
7 or that the violation has been corrected prior to appearing
8 before the enforcement or licensing board or designated
9 special magistrate ~~master~~, the enforcement or licensing board
10 or designated special magistrate ~~master~~ may dismiss the
11 citation unless the violation is irreparable or irreversible.

12 4. Each day a willful, knowing violation continues
13 shall constitute a separate offense under the provisions of
14 this subsection.

15 (f) If the enforcement or licensing board or
16 designated special magistrate ~~master~~ finds that a violation
17 exists, the enforcement or licensing board or designated
18 special magistrate ~~master~~ may order the violator to pay a
19 civil penalty of not less than the amount set forth on the
20 citation but not more than \$1,000 per day for each violation.
21 In determining the amount of the penalty, the enforcement or
22 licensing board or designated special magistrate ~~master~~ shall
23 consider the following factors:

24 1. The gravity of the violation.

25 2. Any actions taken by the violator to correct the
26 violation.

27 3. Any previous violations committed by the violator.

28 (g) Upon written notification by the code enforcement
29 officer that a violator had not contested the citation or paid
30 the civil penalty within the timeframe allowed on the
31 citation, or if a violation has not been corrected within the

1 timeframe set forth on the notice of violation, the
2 enforcement or licensing board or the designated special
3 magistrate ~~master~~ shall enter an order ordering the violator
4 to pay the civil penalty set forth on the citation or notice
5 of violation, and a hearing shall not be necessary for the
6 issuance of such order.

7 (h) A certified copy of an order imposing a civil
8 penalty against an uncertified contractor may be recorded in
9 the public records and thereafter shall constitute a lien
10 against any real or personal property owned by the violator.
11 Upon petition to the circuit court, such order may be enforced
12 in the same manner as a court judgment by the sheriffs of this
13 state, including a levy against personal property; however,
14 such order shall not be deemed to be a court judgment except
15 for enforcement purposes. A civil penalty imposed pursuant to
16 this part shall continue to accrue until the violator comes
17 into compliance or until judgment is rendered in a suit to
18 foreclose on a lien filed pursuant to this subsection,
19 whichever occurs first. After 3 months following ~~from~~ the
20 filing of any such lien which remains unpaid, the enforcement
21 board or licensing board or designated special magistrate
22 ~~master~~ may authorize the local governing body's attorney to
23 foreclose on the lien. No lien created pursuant to the
24 provisions of this part may be foreclosed on real property
25 which is a homestead under s. 4, Art. X of the State
26 Constitution.

27 (j) An aggrieved party, including the local governing
28 body, may appeal a final administrative order of an
29 enforcement board or licensing board or designated special
30 magistrate ~~master~~ to the circuit court. Such an appeal shall
31 not be a hearing de novo but shall be limited to appellate

1 review of the record created before the enforcement board or
2 licensing board or designated special magistrate ~~master~~. An
3 appeal shall be filed within 30 days after ~~of the~~ execution of
4 the order to be appealed.

5 Section 128. Paragraphs (d), (f), (g), (h), and (j) of
6 subsection (4) of section 489.531, Florida Statutes, are
7 amended to read:

8 489.531 Prohibitions; penalties.--

9 (4)

10 (d) The act for which the citation is issued shall be
11 ceased upon receipt of the citation; and the person charged
12 with the violation shall elect either to correct the violation
13 and pay the civil penalty in the manner indicated on the
14 citation or, within 10 days after ~~of~~ receipt of the citation,
15 exclusive of weekends and legal holidays, request an
16 administrative hearing before the enforcement or licensing
17 board or designated special magistrate ~~master~~ to appeal the
18 issuance of the citation by the code enforcement officer.

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

23 2. Failure of a violator to appeal the decision of the
24 code enforcement officer within the time period set forth in
25 this paragraph shall constitute a waiver of the violator's
26 right to an administrative hearing. A waiver of the right to
27 administrative hearing shall be deemed an admission of the
28 violation and penalties may be imposed accordingly.

29 3. If the person issued the citation, or his or her
30 designated representative, shows that the citation is invalid
31 or that the violation has been corrected prior to appearing

1 before the enforcement or licensing board or designated
2 special magistrate ~~master~~, the enforcement or licensing board
3 or designated special magistrate ~~master~~ shall dismiss the
4 citation unless the violation is irreparable or irreversible.

5 4. Each day a willful, knowing violation continues
6 shall constitute a separate offense under the provisions of
7 this subsection.

8 (f) If the enforcement or licensing board or
9 designated special magistrate ~~master~~ finds that a violation
10 exists, the enforcement or licensing board or designated
11 special magistrate ~~master~~ may order the violator to pay a
12 civil penalty of not less than the amount set forth on the
13 citation but not more than \$500 per day for each violation.
14 In determining the amount of the penalty, the enforcement or
15 licensing board or designated special magistrate ~~master~~ shall
16 consider the following factors:

- 17 1. The gravity of the violation.
- 18 2. Any actions taken by the violator to correct the
19 violation.
- 20 3. Any previous violations committed by the violator.

21 (g) Upon written notification by the code enforcement
22 officer that a violator had not contested the citation or paid
23 the civil penalty within the timeframe allowed on the
24 citation, or if a violation has not been corrected within the
25 timeframe set forth on the notice of violation, the
26 enforcement or licensing board or the designated special
27 magistrate ~~master~~ shall enter an order ordering the violator
28 to pay the civil penalty set forth on the citation or notice
29 of violation, and a hearing shall not be necessary for the
30 issuance of such order.

31

1 (h) A certified copy of an order imposing a civil
2 penalty against an uncertified contractor may be recorded in
3 the public records and thereafter shall constitute a lien
4 against any real or personal property owned by the violator.
5 Upon petition to the circuit court, such order may be enforced
6 in the same manner as a court judgment by the sheriffs of this
7 state, including a levy against personal property; however,
8 such order shall not be deemed to be a court judgment except
9 for enforcement purposes. A civil penalty imposed pursuant to
10 this part shall continue to accrue until the violator comes
11 into compliance or until judgment is rendered in a suit to
12 foreclose on a lien filed pursuant to this section, whichever
13 occurs first. After 3 months following ~~from~~ the filing of any
14 such lien which remains unpaid, the enforcement or licensing
15 board or designated special magistrate ~~master~~ may authorize
16 the local governing body's attorney to foreclose on the lien.
17 No lien created pursuant to the provisions of this part may be
18 foreclosed on real property which is a homestead under s. 4,
19 Art. X of the State Constitution.

20 (j) An aggrieved party, including the local governing
21 body, may appeal a final administrative order of an
22 enforcement or licensing board or ~~special~~ designated special
23 magistrate ~~master~~ to the circuit court. Such an appeal shall
24 not be a hearing de novo but shall be limited to appellate
25 review of the record created before the enforcement or
26 licensing board or designated special master. An appeal shall
27 be filed within 30 days of the execution of the order to be
28 appealed.

29 Section 129. Subsection (1) of section 496.420,
30 Florida Statutes, is amended to read:

31 496.420 Civil remedies and enforcement.--

1 (1) In addition to other remedies authorized by law,
2 the department may bring a civil action in circuit court to
3 enforce ss. 496.401-496.424 or s. 496.426. Upon a finding that
4 any person has violated any of these sections, a court may
5 make any necessary order or enter a judgment including, but
6 not limited to, a temporary or permanent injunction, a
7 declaratory judgment, the appointment of a general or special
8 magistrate ~~master~~ or receiver, the sequestration of assets,
9 the reimbursement of persons from whom contributions have been
10 unlawfully solicited, the distribution of contributions in
11 accordance with the charitable or sponsor purpose expressed in
12 the registration statement or in accordance with the
13 representations made to the person solicited, the
14 reimbursement of the department for investigative costs,
15 attorney's fees and costs, and any other equitable relief the
16 court finds appropriate. Upon a finding that any person has
17 violated any provision of ss. 496.401-496.424 or s. 496.426
18 with actual knowledge or knowledge fairly implied on the basis
19 of objective circumstances, a court may enter an order
20 imposing a civil penalty in an amount not to exceed \$10,000
21 per violation.

22 Section 130. Subsection (3) of section 501.207,
23 Florida Statutes, is amended to read:

24 501.207 Remedies of enforcing authority.--

25 (3) Upon motion of the enforcing authority or any
26 interested party in any action brought under subsection (1),
27 the court may make appropriate orders, including, but not
28 limited to, appointment of a general or special magistrate
29 ~~master~~ or receiver or sequestration or freezing of assets, to
30 reimburse consumers or governmental entities found to have
31 been damaged; to carry out a transaction in accordance with

1 the reasonable expectations of consumers or governmental
2 entities; to strike or limit the application of clauses of
3 contracts to avoid an unconscionable result; to order any
4 defendant to divest herself or himself of any interest in any
5 enterprise, including real estate; to impose reasonable
6 restrictions upon the future activities of any defendant to
7 impede her or him from engaging in or establishing the same
8 type of endeavor; to order the dissolution or reorganization
9 of any enterprise; or to grant legal, equitable, or other
10 appropriate relief. The court may assess the expenses of a
11 general or special magistrate ~~master~~ or receiver against a
12 person who has violated, is violating, or is otherwise likely
13 to violate this part. Any injunctive order, whether temporary
14 or permanent, issued by the court shall be effective
15 throughout the state unless otherwise provided in the order.

16 Section 131. Section 501.618, Florida Statutes, is
17 amended to read:

18 501.618 General civil remedies.--The department may
19 bring:

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

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

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

31

1 Upon motion of the enforcing authority in any action brought
2 under this section, the court may make appropriate orders,
3 including appointment of a general or special magistrate
4 ~~master~~ or receiver or sequestration of assets, to reimburse
5 consumers found to have been damaged, to carry out a consumer
6 transaction in accordance with the consumer's reasonable
7 expectations, or to grant other appropriate relief. The court
8 may assess the expenses of a general or special magistrate
9 ~~master~~ or receiver against a commercial telephone seller. Any
10 injunctive order, whether temporary or permanent, issued by
11 the court shall be effective throughout the state unless
12 otherwise provided in the order.

13 Section 132. Subsection (6) of section 559.936,
14 Florida Statutes, is amended to read:

15 559.936 Civil penalties; remedies.--

16 (6) Upon motion of the department in any action
17 brought under this part, the court may make appropriate
18 orders, including appointment of a general or special
19 magistrate ~~master~~ or receiver or sequestration of assets, to
20 reimburse consumers found to have been damaged, to carry out a
21 consumer transaction in accordance with the consumer's
22 reasonable expectations, or to grant other appropriate relief.

23 Section 133. Subsection (1) of section 582.23, Florida
24 Statutes, is amended to read:

25 582.23 Performance of work under the regulations by
26 the supervisors.--

27 (1) The supervisors may go upon any lands within the
28 district to determine whether land use regulations adopted are
29 being observed. Where the supervisors of any district shall
30 find that any of the provisions of land use regulations
31 adopted are not being observed on particular lands, and that

1 such nonobservance tends to increase erosion on such lands and
2 is interfering with the prevention or control of erosion on
3 other lands within the district, the supervisors may present
4 to the circuit court for the county or counties within which
5 the lands of the defendant may lie, a petition, duly verified,
6 setting forth the adoption of the land use regulations, the
7 failure of the defendant landowner or occupier to observe such
8 regulations, and to perform particular work, operations, or
9 avoidances as required thereby, and that such nonobservance
10 tends to increase erosion on such lands and is interfering
11 with the prevention or control of erosion on other lands
12 within the district, and praying the court to require the
13 defendant to perform the work, operations, or avoidances
14 within a reasonable time and to order that if the defendant
15 shall fail so to perform the supervisors may go on the land,
16 perform the work or other operations or otherwise bring the
17 condition of such lands into conformity with the requirements
18 of such regulations, and recover the costs and expenses
19 thereof, with interest, from the owner of such land. Upon the
20 presentation of such petition the court shall cause process to
21 be issued against the defendant, and shall hear the case. If
22 it shall appear to the court that testimony is necessary for
23 the proper disposition of the matter, it may take evidence or
24 appoint a special magistrate ~~master~~ to take such evidence as
25 it may direct and report the same to the court within her or
26 his findings of fact and conclusions of law, which shall
27 constitute a part of the proceedings upon which the
28 determination of the court shall be made.

29 Section 134. Subsection (2) of section 631.182,
30 Florida Statutes, is amended to read:

31

1 631.182 Receiver claims report and claimants
2 objections procedure.--

3 (2) At the hearing, any interested person is entitled
4 to appear. The hearing shall not be de novo but shall be
5 limited to the record as described in s. 631.181(2). The court
6 shall enter an order allowing, allowing in part, or
7 disallowing the claim. Any such order is deemed to be an
8 appealable order. In the interests of judicial economy, the
9 court may appoint a special magistrate ~~master~~ to resolve
10 objections or to perform any particular service required by
11 the court. This subsection shall apply to receivership
12 proceedings commencing prior to, or subsequent to, July 1,
13 1997.

14 Section 135. Subsections (3) and (4) of section
15 631.331, Florida Statutes, are amended to read:

16 631.331 Assessment prima facie correct; notice;
17 payment; proceeding to collect.--

18 (3) If any such member or subscriber fails to pay the
19 assessment within the period specified in the notice, which
20 period shall not be less than 20 days after mailing, the
21 department may obtain an order in the delinquency proceeding
22 requiring the member or subscriber to show cause at a time and
23 place fixed by the court why judgment should not be entered
24 against such member or subscriber for the amount of the
25 assessment, together with all costs. ~~and~~ A copy of the order
26 and a copy of the petition therefor shall be served upon the
27 member or subscriber within the time and in the manner
28 designated in the order.

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

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

4 (b) Appears in the manner and form required by law in
5 response to the order, the court shall hear and determine the
6 matter and enter a judgment in accordance with its decision.
7 In the interests of judicial economy, the court may appoint a
8 special magistrate ~~master~~ to resolve objections or to perform
9 any particular service required by the court. This paragraph
10 shall apply to receivership proceedings commencing prior to,
11 or subsequent to, July 1, 1997.

12 Section 136. Subsection (2) of section 633.052,
13 Florida Statutes, is amended to read:

14 633.052 Ordinances relating to firesafety;
15 definitions; penalties.--

16 (2) A county or municipality that ~~which~~ has created a
17 code enforcement board or special magistrate ~~master~~ system
18 pursuant to chapter 162 may enforce firesafety code violations
19 as provided in chapter 162. The governing body of a county or
20 municipality which has not created a code enforcement board or
21 special magistrate ~~master~~ system for firesafety under chapter
22 162 is authorized to enact ordinances relating to firesafety
23 codes, which ordinances shall provide:

24 (a) That a violation of such an ordinance is a civil
25 infraction.

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

27 (c) A civil penalty of less than the maximum civil
28 penalty if the person who has committed the civil infraction
29 does not contest the citation.

30
31

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

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

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

9 Section 137. Subsection (2) of section 744.369,
10 Florida Statutes, is amended to read:

11 744.369 Judicial review of guardianship reports.--

12 (2) The court may appoint general or special
13 magistrate ~~masters~~ to assist the court in its review function.
14 The court may require the general or special magistrate ~~master~~
15 to conduct random field audits.

16 Section 138. Subsection (11) of section 760.11,
17 Florida Statutes, is amended to read:

18 760.11 Administrative and civil remedies;
19 construction.--

20 (11) If a complaint is within the jurisdiction of the
21 commission, the commission shall simultaneously with its other
22 statutory obligations attempt to eliminate or correct the
23 alleged discrimination by informal methods of conference,
24 conciliation, and persuasion. Nothing said or done in the
25 course of such informal endeavors may be made public or used
26 as evidence in a subsequent civil proceeding, trial, or
27 hearing. The commission may initiate dispute resolution
28 procedures, including voluntary arbitration, by special
29 magistrates ~~masters~~ or mediators. The commission may adopt
30 rules as to the qualifications of persons who may serve as
31 special magistrates ~~masters~~ and mediators.

1 Section 139. Subsection (1) of section 837.011,
2 Florida Statutes, is amended to read:

3 837.011 Definitions.--In this chapter, unless a
4 different meaning plainly is required:

5 (1) "Official proceeding" means a proceeding heard, or
6 which may be or is required to be heard, before any
7 legislative, judicial, administrative, or other governmental
8 agency or official authorized to take evidence under oath,
9 including any referee, general or special magistrate ~~master in~~
10 ~~chancery~~, administrative law judge, hearing officer, hearing
11 examiner, commissioner, notary, or other person taking
12 testimony or a deposition in connection with any such
13 proceeding.

14 Section 140. Subsection (4) of section 838.014,
15 Florida Statutes, is amended to read:

16 838.014 Definitions.--For the purposes of this
17 chapter, unless a different meaning plainly is required:

18 (4) "Public servant" means any public officer, agent,
19 or employee of government, whether elected or appointed,
20 including, but not limited to, any executive, legislative, or
21 judicial officer; any person who holds an office or position
22 in a political party or political party committee, whether
23 elected or appointed; and any person participating as a
24 general or special magistrate ~~master~~, receiver, auditor,
25 juror, arbitrator, umpire, referee, consultant, administrative
26 law judge, hearing officer, or hearing examiner, or person
27 acting on behalf of any of these, in performing a governmental
28 function; but the term does not include witnesses. Such term
29 shall include a candidate for election or appointment to any
30 such office, including any individual who seeks or intends to
31 occupy any such office. It shall include any person appointed

1 to any of the foregoing offices or employments before and
2 after he or she qualifies.

3 Section 141. Section 839.17, Florida Statutes, is
4 amended to read:

5 839.17 Misappropriation of moneys by commissioners to
6 make sales.--Any commissioner or general or special magistrate
7 ~~master in chancery~~, having received the purchase money or the
8 securities resulting from any of the sales authorized by law,
9 who shall fail to deliver such moneys and securities, or
10 either of them, to the executor or administrator, or the
11 person entitled to receive the same, upon the order of the
12 court, unless she or he is rendered unable to do so by some
13 cause not attributable to her or his own default or neglect,
14 shall be fined in a sum equal to the amount received from the
15 purchaser, and commits ~~shall be guilty of~~ a felony of the
16 second degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 Section 142. Paragraph (a) of subsection (3) of
19 section 916.107, Florida Statutes, is amended to read:

20 916.107 Rights of forensic clients.--

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

22 (a) A client committed to the department pursuant to
23 this act shall be asked to give express and informed written
24 consent for treatment. If a client in a forensic facility
25 refuses such treatment as is deemed necessary by the client's
26 multidisciplinary treatment team at the forensic facility for
27 the appropriate care of the client and the safety of the
28 client or others, such treatment may be provided under the
29 following circumstances:

30 1. In an emergency situation in which there is
31 immediate danger to the safety of the client or others, such

1 treatment may be provided upon the written order of a
2 physician for a period not to exceed 48 hours, excluding
3 weekends and legal holidays. If, after the 48-hour period,
4 the client has not given express and informed consent to the
5 treatment initially refused, the administrator or designee of
6 the forensic facility shall, within 48 hours, excluding
7 weekends and legal holidays, petition the committing court or
8 the circuit court serving the county in which the facility is
9 located, at the option of the facility administrator or
10 designee, for an order authorizing the continued treatment of
11 the client. In the interim, treatment may be continued
12 without the consent of the client upon the continued written
13 order of a physician who has determined that the emergency
14 situation continues to present a danger to the safety of the
15 client or others.

16 2. In a situation other than an emergency situation,
17 the administrator or designee of the forensic facility shall
18 petition the court for an order authorizing the treatment to
19 the client. The order shall allow such treatment for a period
20 not to exceed 90 days from the date of the entry of the order.
21 Unless the court is notified in writing that the client has
22 provided express and informed consent in writing or that the
23 client has been discharged by the committing court, the
24 administrator or designee shall, prior to the expiration of
25 the initial 90-day order, petition the court for an order
26 authorizing the continuation of treatment for another 90-day
27 period. This procedure shall be repeated until the client
28 provides consent or is discharged by the committing court.

29 3. At the hearing on the issue of whether the court
30 should enter an order authorizing treatment for which a client
31 has refused to give express and informed consent, the court

1 shall determine by clear and convincing evidence that the
2 client is mentally ill, retarded, or autistic as defined in
3 this chapter, that the treatment not consented to is essential
4 to the care of the client, and that the treatment not
5 consented to is not experimental and does not present an
6 unreasonable risk of serious, hazardous, or irreversible side
7 effects. In arriving at the substitute judgment decision, the
8 court must consider at least the following factors:

- 9 a. The client's expressed preference regarding
10 treatment;
11 b. The probability of adverse side effects;
12 c. The prognosis without treatment; and
13 d. The prognosis with treatment.

14
15 The hearing shall be as convenient to the client as may be
16 consistent with orderly procedure and shall be conducted in
17 physical settings not likely to be injurious to the client's
18 condition. The court may appoint a general or special
19 magistrate ~~master~~ to preside at the hearing. The client or the
20 client's guardian, and the representative, shall be provided
21 with a copy of the petition and the date, time, and location
22 of the hearing. The client has the right to have an attorney
23 represent him or her at the hearing, and, if the client is
24 indigent, the court shall appoint the office of the public
25 defender to represent the client at the hearing. The client
26 may testify or not, as he or she chooses, and has the right to
27 cross-examine witnesses and may present his or her own
28 witnesses.

29 Section 143. Subsection (11) of section 938.30,
30 Florida Statutes, is amended to read:

31

1 938.30 Court-imposed financial obligations in criminal
2 cases; supplementary proceedings.--

3 (11) The court may refer any proceeding under this
4 section to a special magistrate ~~master~~ who shall report
5 findings and make recommendations to the court. The court
6 shall act on such recommendations within a reasonable amount
7 of time.

8 Section 144. Subsection (3) of section 945.43, Florida
9 Statutes, is amended to read:

10 945.43 Admission of inmate to mental health treatment
11 facility.--

12 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR
13 MENTAL HEALTH TREATMENT.--If the inmate does not waive a
14 hearing or if the inmate or the inmate's representative files
15 a petition for a hearing after having waived it, the court
16 shall serve notice on the warden of the facility where the
17 inmate is confined, the director, and the allegedly mentally
18 ill inmate. The notice shall specify the date, time, and place
19 of the hearing; the basis for the allegation of mental
20 illness; and the names of the examining experts. The hearing
21 shall be held within 5 days, and the court may appoint a
22 general or special magistrate ~~master~~ to preside. The hearing
23 may be as informal as is consistent with orderly procedure.
24 One of the experts whose opinion supported the recommendation
25 shall be present at the hearing for information purposes. If,
26 at the hearing, the court finds that the inmate is mentally
27 ill and in need of care and treatment, it shall order that he
28 or she be transferred to a mental health treatment facility
29 and provided appropriate treatment. The court shall provide a
30 copy of its order authorizing transfer and all supporting
31 documentation relating to the inmate's condition to the warden

1 of the treatment facility. If the court finds that the inmate
2 is not mentally ill, it shall dismiss the petition for
3 transfer.

4 Section 145. Effective July 1, 2004, sections 142.04,
5 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 142.11,
6 142.12, 142.13, and 939.18, Florida Statutes, are repealed.

7 Section 146. Except as otherwise expressly provided in
8 this act, this act shall take effect May 1, 2004.

9

10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 SB 1492

13 The committee substitute corrects the change in the
14 distribution percentages for the Half-cent Sales Tax, County
Revenue Sharing, and Municipal Revenue Sharing.

15 The committee substitute re-designates in a number of
16 statutes, the terms "magistrates" as "trial court judges" and
17 "masters" and "general or special masters" as "general or
special magistrates". The committee substitute also amends
certain administrative and judicial proceedings.

18 The committee substitute authorizes a clerk of the court to
19 dispose of items of physical evidence in cases where no
collateral attack is pending.

20 The committee substitute provides a revenue incentive for
21 courts to collect certain costs to assist in funding the
22 offices of the State Attorneys, Public Defenders, and State
Court System, by authorizing distributions of certain fees
collected to such offices.

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