

By the Committees on Appropriations; Finance and Taxation; and  
Senator Smith

309-2444-03

1                                   A bill to be entitled  
2           An act relating to the judicial system;  
3           amending s. 25.384, F.S.; expanding the use of  
4           the Court Education Trust Fund; amending s.  
5           27.562, F.S.; providing for disposition of  
6           funds; amending s. 28.101, F.S.; increasing the  
7           service charge for filing for dissolution of  
8           marriage; transferring, renumbering, and  
9           amending s. 43.195, F.S.; authorizing a clerk  
10          to dispose of items of physical evidence in  
11          cases where no collateral attack is pending;  
12          amending s. 28.24, F.S.; prohibiting the clerk  
13          of the court from charging court officials for  
14          copies of public records; modifying the service  
15          charges for services rendered by the clerk of  
16          the court in recording documents and  
17          instruments and in performing certain other  
18          duties; eliminating the charge for issuing jury  
19          summons; amending s. 28.241, F.S.; increasing  
20          the service charge for filing a civil action in  
21          circuit court; requiring that a portion of the  
22          charge be remitted to the General Revenue Fund  
23          and to the Court Education Trust Fund;  
24          requiring that a portion of the charge be  
25          remitted to the Clerk of the Court Operations  
26          Conference Operating Fund and the Clerk of the  
27          Court Operations Conference Contingency Fund;  
28          providing a filing fee for reopening a civil  
29          action or proceeding; providing for a reduction  
30          in the fee for a petition to modify a final  
31          judgment of dissolution; increasing other

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

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

1 certain fines and forfeitures be remitted to  
2 the clerk of the court rather than the county;  
3 authorizing the clerk rather than the board of  
4 county commissioners to assign the collection  
5 of charges and fines to a private attorney or  
6 collection agency; amending s. 44.108, F.S.;  
7 deleting provisions authorizing a county to  
8 levy service charges for court mediation and  
9 arbitration; assessing a filing fee on court  
10 proceedings; depositing fees in the Mediation  
11 and Arbitration Trust Fund; amending s. 55.505,  
12 F.S.; increasing the service charge for  
13 recording a foreign judgment; amending s.  
14 55.10, F.S.; increasing the fee for serving a  
15 certificate of lien; creating s. 55.312, F.S.;  
16 imposing a service charge on certain money  
17 judgments and settlement agreements in excess  
18 of a specified amount, except for dissolution  
19 of marriage and breaches of contract; requiring  
20 proceeds of the charge to be used to pay court  
21 costs; providing for the service charge to be  
22 paid by any party or allocated to more than one  
23 party; requiring the Department of Revenue to  
24 adopt rules to provide for remitting such  
25 charge to the department for deposit into the  
26 General Revenue Fund; prohibiting an attorney  
27 from disbursing certain proceeds until service  
28 charge is paid; providing a penalty for failure  
29 to pay the service charge; requiring the  
30 Department of Revenue to report to the  
31 Legislature each year on the amount received in

1 the prior calendar year; amending s. 61.14,  
2 F.S.; increasing certain fees assessed for  
3 delinquency of child support and alimony;  
4 amending s. 142.01, F.S.; providing for the  
5 clerk of the court to establish a fine and  
6 forfeiture fund in each county to be used to  
7 pay the costs of court-related functions;  
8 deleting provisions authorizing counties to  
9 receive funds to pay the cost of criminal  
10 prosecutions and transfer excess funds to the  
11 county general fund; amending s. 142.02, F.S.;  
12 limiting the use of county funds from a levy of  
13 a special tax to pay for the cost of criminal  
14 prosecutions; amending s. 142.03, F.S.;  
15 requiring that fines and forfeitures be used to  
16 pay the costs of court-related functions;  
17 amending s. 142.15, F.S.; requiring that fees  
18 collected by the sheriff be remitted to the  
19 clerk in the county where the crime was alleged  
20 to have been committed; amending s. 142.16,  
21 F.S.; requiring that fines and forfeitures be  
22 remitted to the clerk in the county in which  
23 the case was adjudicated; amending s. 145.022;  
24 prohibiting a county from appropriating a  
25 salary to the clerk of the court based on the  
26 fees collected; amending s. 212.20, F.S.;  
27 revising the distribution of the proceeds from  
28 certain local-option taxes; amending s. 218.21,  
29 F.S.; revising the guaranteed entitlement of  
30 municipalities to certain state revenue  
31 sharing; amending s. 218.35, F.S.; deleting

1 provisions requiring the clerk of the court to  
2 file a budget with the state court  
3 administrator and the board of county  
4 commissioners; amending s. 318.15, F.S.;  
5 increasing various fees for persons failing to  
6 comply with civil penalties, attend driver  
7 improvement school, or appear at a hearing;  
8 amending s. 318.18, F.S.; increasing various  
9 fees for penalties for noncriminal  
10 dispositions; creating additional charges and  
11 fees to be paid to the clerk of the court;  
12 increasing the fee to dismiss citations and the  
13 administrative fee for cases in which  
14 adjudication is withheld; amending s. 318.21,  
15 F.S.; increasing the portion of civil penalties  
16 which are paid to the clerk of the court;  
17 amending s. 322.245, F.S.; increasing the  
18 delinquency fee for persons charged with  
19 specified criminal offenses who fail to comply  
20 with the directives of the court; amending s.  
21 327.73, F.S.; increasing the charge for court  
22 costs for failure to comply with the court's  
23 requirements or failure to pay specified civil  
24 penalties; amending s. 382.023, F.S.;  
25 increasing the fee for dissolution of marriage;  
26 increasing the portion to be retained by the  
27 circuit court and the portion remitted to the  
28 state; amending s. 713.24, F.S.; increasing the  
29 fee for certain services performed by the clerk  
30 of the court in transferring liens; amending s.  
31 744.3135, F.S.; increasing the fee paid to the

1 clerk of the court for processing guardian  
2 files; amending s. 744.365, F.S.; increasing  
3 the fee paid to the clerk of the court for an  
4 inventory filed by a guardian; deleting  
5 provisions requiring that the county pay the  
6 auditing fee when such fee is waived by the  
7 court; amending s. 744.3678, F.S.; increasing  
8 the fees paid by the guardian to the clerk of  
9 the court for filing an annual financial  
10 return; prohibiting the clerk of the circuit  
11 court from billing the county for a waived fee;  
12 creating s. 921.26, F.S.; requiring that  
13 certain court costs be collected before any  
14 other court cost; creating s. 938.02, F.S.;  
15 imposing a court cost against persons who plead  
16 guilty or nolo contendere, or who are convicted  
17 of any felony, misdemeanor, or criminal traffic  
18 offense; prohibiting the court from waiving the  
19 court cost; authorizing the collection of  
20 unpaid court costs from any moneys or accounts  
21 of incarcerated persons; requiring all other  
22 court costs to be remitted to the Department of  
23 Revenue for deposit in the General Revenue  
24 Fund; amending s. 938.07, F.S.; increasing the  
25 court cost added to fines imposed for driving  
26 or boating under the influence; providing for  
27 deposit and distribution of the proceeds to  
28 Level II trauma centers; amending s. 938.35,  
29 F.S.; authorizing the clerk of the court,  
30 rather than the county, to collect fines, court  
31 costs, and other charges through a private

1 attorney or collection agent; amending ss.  
2 26.012, 27.06, 34.01, 48.20, 316.635, 373.603,  
3 381.0012, 450.121, 560.306, 633.14, 648.44,  
4 817.482, 828.122, 832.05, 876.42, 893.12,  
5 901.01, 901.02, 901.07, 901.08, 901.09, 901.11,  
6 901.12, 901.25, 902.15, 902.17, 902.20, 902.21,  
7 903.03, 903.32, 903.34, 914.22, 923.01, 933.01,  
8 933.06, 933.07, 933.10, 933.101, 933.13,  
9 933.14, 939.02, 939.14, 941.13, 941.14, 941.15,  
10 941.17, 941.18, 947.141, 948.06, 985.05, F.S.,  
11 relating to various court procedures;  
12 redesignating "magistrates" as "trial court  
13 judges"; amending ss. 56.071, 56.29, 61.1826,  
14 64.061, 65.061, 69.051, 70.51, 92.142, 112.41,  
15 112.43, 112.47, 162.03, 162.06, 162.09, 173.09,  
16 173.10, 173.11, 173.12, 194.013, 194.034,  
17 194.035, 206.16, 207.016, 320.411, 393.11,  
18 394.467, 397.311, 397.681, 447.207, 447.403,  
19 447.405, 447.407, 447.409, 475.011, 489.127,  
20 489.531, 496.420, 501.207, 501.618, 559.936,  
21 582.23, 631.182, 631.331, 633.052, 744.369,  
22 760.11, 837.011, 838.014, 839.17, 916.107,  
23 938.30, 945.43, F.S., relating to various  
24 administrative and judicial proceedings;  
25 redesignating "masters" and "general or special  
26 masters" as "general or special magistrates";  
27 repealing ss. 142.04, 142.05, 142.06, 142.07,  
28 142.08, 142.09, 142.10, 142.11, 142.12, 142.13,  
29 and 939.18, F.S., relating to compensation to  
30 witnesses and others from the fine and  
31 forfeiture fund and the imposition of



1 additional court costs used by the county in  
2 paying for court facilities; providing  
3 effective dates.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Effective July 1, 2004, subsection (2) of  
8 section 25.384, Florida Statutes, is amended to read:

9 25.384 Court Education Trust Fund.--

10 (2)(a) The trust fund moneys shall be used to provide  
11 judicial education and training for judges and other court  
12 personnel as defined and determined by the Florida Court  
13 Educational Council, ~~the State Courts Administrator and his or~~  
14 ~~her staff, trial court administrators, and appellate court law~~  
15 ~~clerks.~~ In addition, funds may be used for any program or  
16 activity designed to improve or enhance the efficiency,  
17 competence, or professionalism of the judicial branch ~~the~~  
18 ~~development and implementation of an educational program for~~  
19 ~~the clerks of court as set forth in s. 145.051(2).~~

20 (b) The Supreme Court, through its Florida Court  
21 Educational Council, shall adopt a comprehensive plan for the  
22 operation of the trust fund and the expenditure of the moneys  
23 deposited in the trust fund. The plan shall provide for  
24 travel, per diem, tuition, educational materials, ~~and~~ other  
25 related costs incurred for educational programs, in and out of  
26 state, and all costs of those programs and activities  
27 identified in paragraph (a), which will be of benefit to the  
28 judicial branch ~~judiciary~~ of the state.

29 Section 2. Effective July 1, 2004, section 27.562,  
30 Florida Statutes, is amended to read:  
31

1           27.562 Disposition of funds.--All funds collected  
2 pursuant to s. 938.29, ~~except the application fee imposed~~  
3 ~~under s. 27.52,~~ shall be remitted to the Department of Revenue  
4 for deposit into the Indigent Criminal Defense Trust Fund.  
5 ~~board of county commissioners of the county in which the~~  
6 ~~judgment was entered. Such funds shall be placed in the fine~~  
7 ~~and forfeiture fund of that county to be used to defray the~~  
8 ~~expenses incurred by the county in defense of criminal~~  
9 ~~prosecutions. All judgments entered pursuant to this part~~  
10 shall be in the name of the state. ~~county in which the~~  
11 ~~judgment was rendered.~~

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

14           28.101 Petitions and records of dissolution of  
15 marriage; additional charges.--

16           (2) Upon receipt of a final judgment of dissolution of  
17 marriage for filing, and in addition to the filing charges in  
18 s. 28.241, the clerk shall collect and receive a service  
19 charge of \$10.50 ~~\$7~~ pursuant to s. 382.023 for the recording  
20 and reporting of such final judgment of dissolution of  
21 marriage to the Department of Health.

22           Section 4. Section 43.195, Florida Statutes, is  
23 renumbered as section 28.213, Florida Statutes, and amended to  
24 read:

25           28.213 ~~43.195~~ Disposal of physical evidence filed as  
26 exhibits.--The clerk of any circuit court or county court may  
27 dispose of items of physical evidence which have been held as  
28 exhibits in excess of 3 years in cases on which no appeal, or  
29 collateral attack, is pending or can be made. Items of  
30 evidence having no monetary value which are designated by the  
31 clerk for removal shall be disposed of as unusable refuse.

1 Items of evidence having a monetary value which are designated  
2 for removal by the clerk shall be sold and the revenue placed  
3 in the clerk's general revenue fund.

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

6 28.24 Service charges by clerk of the circuit  
7 court.--The clerk of the circuit court shall make the  
8 following charges for services rendered by the clerk's office  
9 in recording documents and instruments and in performing the  
10 duties enumerated. Notwithstanding any other provision of this  
11 section, the clerk of the circuit court shall provide without  
12 charge to any justice or judge, to any court staff acting on  
13 behalf of any justice or judge, or to any state attorney or  
14 public defender access to and copies of any public records,  
15 notwithstanding the exempt or confidential nature of such  
16 public records, as maintained by and in the custody of the  
17 clerk of the circuit court as provided in general law and the  
18 Florida Rules of Judicial Administration.~~However, in those~~  
19 ~~counties where the clerk's office operates as a fiscal unit of~~  
20 ~~the county pursuant to s. 145.022(1), the clerk shall not~~  
21 ~~charge the county for such services.~~

22  
23 Charges

24  
25 ~~(1) For court attendance by each clerk or deputy~~  
26 ~~clerk, per day .....\$75.00~~  
27 ~~(2) For court minutes, per page.....5.00~~  
28 (1)(3) For examining, comparing, correcting,  
29 verifying, and certifying transcripts of record in appellate  
30 proceedings, prepared by attorney for appellant or someone  
31 else other than

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

1           (a)1. First \$500, percent.....3 ~~±~~  
2           2. Each subsequent \$100, percent.....1.5 ~~±~~  
3           (b) Eminent domain actions, per deposit.....\$150.00  
4 ~~\$100.00~~  
5           (12)~~(14)~~ For examining, certifying, and recording  
6 plats and for recording condominium exhibits larger than 14  
7 inches by 8 1/2 inches:  
8           (a) First page.....30.00  
9           (b) Each additional page.....15.00  
10          (13)~~(15)~~ For recording, indexing, and filing any  
11 instrument not more than 14 inches by 8 1/2 inches, including  
12 required notice to property appraiser where applicable:  
13          (a) First page or fraction thereof.....5.00  
14          (b) Each additional page or fraction thereof.....4.00  
15          (c) For indexing instruments recorded in the official  
16 records which contain more than four names, per additional  
17 name.....1.00  
18          (d) An additional service charge shall be paid to the  
19 clerk of the circuit court to be deposited in the Public  
20 Records Modernization Trust Fund for each instrument listed in  
21 s. 28.222, except judgments received from the courts and  
22 notices of lis pendens, recorded in the official records:  
23           1. First page.....1.00  
24           2. Each additional page.....0.50  
25  
26 Said fund shall be held in trust by the clerk and used  
27 exclusively for equipment and maintenance of equipment,  
28 personnel training, and technical assistance in modernizing  
29 the public records system of the office. In a county where  
30 the duty of maintaining official records exists in an office  
31 other than the office of the clerk of the circuit court, the

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

28        (14)~~(16)~~ Oath, administering, attesting, and sealing,  
29 not otherwise provided for herein.....3.00 ~~2.00~~  
30        (15)~~(17)~~ For validating certificates, any authorized  
31 bonds, each.....3.00 ~~2.00~~

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

1           ~~(28)(31)~~ For receiving and disbursing all restitution  
2 payments, per payment.....3.00 ~~2.00~~

3           ~~(29)(32)~~ Postal charges incurred by the clerk of the  
4 circuit court in any mailing by certified or registered mail  
5 shall be paid by the party at whose instance the mailing is  
6 made.

7           ~~(30)(33)~~ For furnishing an electronic copy of  
8 information contained in a computer database: a fee as  
9 provided for in chapter 119.

10           Section 6. Section 28.241, Florida Statutes, is  
11 amended to read:

12           28.241 Filing charges for trial and appellate  
13 proceedings.--

14           (1)(a) The party instituting any civil action, suit,  
15 or proceeding in the circuit court shall pay to the clerk of  
16 that court an initial filing fee ~~a service charge~~ of \$300 ~~\$40~~  
17 in all cases in which there are not more than five defendants  
18 and an additional service charge of \$2 for each defendant in  
19 excess of five. Sixty-five dollars of the initial filing fee  
20 must be remitted by the clerk to the Department of Revenue for  
21 deposit into the General Revenue Fund; \$4 of the initial  
22 filing fee must be remitted by the clerk to the Department of  
23 Revenue for deposit into the Court Education Trust Fund; \$5  
24 must be remitted by the clerk of the court to the Florida  
25 Association of Court Clerks for deposit in the Clerk of the  
26 Court Operations Conference Operating Fund and \$10 must be  
27 remitted by the clerk of the court to the Florida Association  
28 of Court Clerks for deposit in the Clerk of the Court  
29 Operations Conference Contingency Fund.An additional service  
30 charge of \$15~~\$10~~ shall be paid by the party seeking each  
31 severance that is granted. An additional service charge of \$75



1 ~~\$35~~ shall be paid to the clerk for all proceedings of  
2 garnishment, attachment, replevin, and distress. ~~An additional~~  
3 ~~service charge of \$8 shall be paid to the clerk for each civil~~  
4 ~~action filed, \$7 of such charge to be remitted by the clerk to~~  
5 ~~the Department of Revenue for deposit into the General Revenue~~  
6 ~~Fund unallocated. An additional charge of \$2.50 shall be paid~~  
7 ~~to the clerk for each civil action brought in circuit or~~  
8 ~~county court, to be remitted by the clerk to the Department of~~  
9 ~~Revenue for deposit into the Court Education Trust Fund.~~  
10 ~~Service charges in excess of those herein fixed may be imposed~~  
11 ~~by the governing authority of the county by ordinance or by~~  
12 ~~special or local law; and such excess shall be expended as~~  
13 ~~provided by such ordinance or any special or local law, now or~~  
14 ~~hereafter in force, to provide and maintain facilities,~~  
15 ~~including a law library, for the use of the courts of the~~  
16 ~~county wherein the service charges are collected; to provide~~  
17 ~~and maintain equipment; or for a legal aid program in such~~  
18 ~~county. In addition, the county is authorized to impose, by~~  
19 ~~ordinance or by special or local law, a fee of up to \$15 for~~  
20 ~~each civil action filed, for the establishment, maintenance,~~  
21 ~~or supplementation of a public guardian pursuant to ss.~~  
22 ~~744.701-744.708, inclusive.~~ Postal charges incurred by the  
23 clerk of the circuit court in making service by certified or  
24 registered mail on defendants or other parties shall be paid  
25 by the party at whose instance service is made. That part of  
26 the within fixed or allowable service charges ~~which is not by~~  
27 ~~local or special law applied to the special purposes~~ shall  
28 constitute the total service charges of the clerk of such  
29 court for all services performed by him or her in civil  
30 actions, suits, or proceedings. No additional fees, charges,  
31 or costs shall be added to the initial service charge except

1 as authorized by general law.~~The sum of all service charges~~  
2 ~~and fees permitted under this subsection may not exceed \$200;~~  
3 ~~however, the \$200 cap may be increased to \$210 in order to~~  
4 ~~provide for the establishment, maintenance, or supplementation~~  
5 ~~of a public guardian as indicated in this subsection.~~

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

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

29 (2)(3) Upon the institution of any appellate  
30 proceeding from any inferior court to the circuit court of any  
31 such county or from the circuit court to an appellate court of

1 the state, the clerk shall charge and collect from the party  
2 or parties instituting such appellate proceedings a service  
3 charge of \$250~~\$75~~ for filing a notice of appeal from an  
4 inferior court or ~~and~~ ~~\$50~~ for filing a notice of appeal to a  
5 higher court.

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

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

16 Section 7. Section 28.2401, Florida Statutes, is  
17 amended to read:

18 28.2401 Service charges in probate matters.--

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

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

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

30  
31

1           (c) Petition and order to admit foreign wills,  
2 authenticated copies, exemplified copies, or transcript to  
3 record.....100.00 ~~30.00~~  
4           (d) For disposition of personal property without  
5 administration.....100.00 ~~20.00~~  
6           (e) Summary administration.....200.00 ~~35.00~~  
7           (f) Family administration.....60 ~~45.00~~  
8           (g) Formal administration, guardianship, ancillary,  
9 curatorship, or conservatorship proceedings.....250.00 ~~75.00~~  
10          (h) Guardianship proceedings of person  
11 only.....100.00 ~~25.00~~  
12          (i) Veterans' guardianship pursuant to chapter  
13 744.....100.00 ~~25.00~~  
14          (j) Exemplified certificates.....6.00 ~~4.00~~  
15          (k) Petition for determination of  
16 incompetency.....100.00 ~~25.00~~  
17          (2) Upon application by the clerk and a showing of  
18 extraordinary circumstances, the service charges set forth in  
19 this section may be increased in an individual matter by order  
20 of the circuit court before which the matter is pending, to  
21 more adequately compensate for the services performed.  
22          (3) ~~Service charges in excess of those fixed in this~~  
23 ~~section may be imposed by the governing authority of the~~  
24 ~~county by ordinance, or by special or local law, to provide~~  
25 ~~and maintain facilities, including a law library; to or local~~  
26 ~~law, to provide and maintain facilities, including a law~~  
27 ~~library; to provide and maintain equipment; or to provide or~~  
28 ~~maintain a legal aid program. Service charges other than those~~  
29 ~~fixed in this section shall be governed by s. 28.24. An~~  
30 additional service charge of \$4~~\$2.50~~ on petitions seeking  
31 summary administration, family administration, formal

1 administration, ancillary administration, guardianship,  
2 curatorship, and conservatorship shall be paid to the clerk.  
3 The clerk shall transfer the ~~\$4\$2.50~~ to the Department of  
4 Revenue for deposit into the Court Education Trust Fund. No  
5 additional fees, charges, or costs shall be added to the  
6 initial service charges except as authorized by general law.

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

13 Section 8. Section 28.2402, Florida Statutes, is  
14 created to read:

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

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

23 28.246 Payment of court-related fees, charges, and  
24 costs; partial payments; distribution of funds.--

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

29 (a) The total amount of mandatory fees, service  
30 charges, and costs; the total amount actually assessed; the  
31

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

3 (b) The maximum amount of discretionary fees, service  
4 charges, and costs authorized; the total amount actually  
5 assessed; the total amount discharged or waived; and the total  
6 amount collected.

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

10 (d) The maximum amount of mandatory fines and other  
11 monetary penalties; the total amount assessed; the total  
12 amount discharged or waived; and the total amount collected.

13

14 The clerk shall submit the report 30 days after the end of  
15 each quarter for the period from July 1, 2003, through June  
16 30, 2004, and annually thereafter, 60 days after the end of  
17 the county fiscal year.

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

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

25 (4) The clerk of the circuit court shall accept  
26 partial payments for unpaid court-related fees, charges, and  
27 costs in accordance with the terms of an established payment  
28 plan.

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

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

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

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

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

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

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

28       (6) A clerk of court may pursue the collection of any  
29 fines, court costs, or other costs imposed by the court which  
30 remain unpaid for 90 days or longer, or refer such collection  
31 to a private attorney who is a member in good standing of The

1 Florida Bar or collection agent who is registered and in good  
2 standing pursuant to chapter 559. In pursuing the collection  
3 of such unpaid financial obligations through a private  
4 attorney or collection agent, the clerk of the court must  
5 determine that the collection is cost-effective and follow  
6 applicable procurement practices.

7 Section 10. Section 28.35, Florida Statutes, is  
8 created to read:

9 28.35 Clerk of Court Operations Conference.--

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

12 (a) Four clerks appointed by the Florida Association  
13 of Court Clerks, with one clerk from a county of fewer than  
14 100,000 residents, one clerk from a county of more than  
15 100,000 residents but fewer than 500,000 residents, one clerk  
16 from a county of more than 500,000 residents but fewer than 1  
17 million residents, and one clerk from a county of more than 1  
18 million residents.

19 (b) The Chief Justice of the Supreme Court or his or  
20 her designee.

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

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

27 (b) Establishing a process for the review and approval  
28 of court-related budgets submitted by clerks of the circuit  
29 court pursuant to s. 28.36 and determining the appropriate  
30 payments to be made from the Clerk of Court Operations  
31 Conference Contingency Fund established by paragraph (3)(b) to



1 any clerk of the circuit court whose approved expenditures for  
2 court-related duties exceed anticipated available revenues for  
3 that office.

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

8 (d) Developing and implementing an appropriate program  
9 for clerk education which shall be funded from operating funds  
10 of the conference.

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

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

21 (a) The Clerk of Court Operations Conference Operating  
22 Fund shall be funded by fees collected by the clerk for filing  
23 a civil action in circuit court as provided in s. 28.241 and  
24 remitted to the Florida Association of Court Clerks  
25 depository. These funds shall be available to the conference  
26 for the performance of the duties and responsibilities as set  
27 forth in this section, except for the satisfaction of deficits  
28 in individual clerk budgets as described in paragraph (2)(b).  
29 The conference may hire staff and pay for other expenses from  
30 this fund necessary to perform only the duties and

31

1 responsibilities of the conference as described in this  
2 section.

3 (b) The Clerk of Court Operations Conference  
4 Contingency Fund shall be funded by fees collected by the  
5 clerk for filing a civil action in circuit court as provided  
6 in s. 28.241 and remitted to the Florida Association of Court  
7 Clerks depository. These funds must be used exclusively for  
8 payment to any clerk of the circuit court when it is  
9 determined by the conference that the revenues available to a  
10 clerk's office are not sufficient to satisfy the reasonable  
11 and appropriate expenditures necessary to perform the  
12 constitutionally and statutorily required court-related duties  
13 of the office.

14 Section 11. Section 28.36, Florida Statutes, is  
15 created to read:

16 28.36 Budget review and approval procedure.--There is  
17 established a budget procedure for the court-related functions  
18 of the clerks of the circuit court.

19 (1) For the period July 1, 2004, through September 30,  
20 2004, and for each county fiscal year ending September 30  
21 thereafter, each clerk of the circuit court shall prepare a  
22 budget relating solely to the performance of the court-related  
23 functions to be funded from the court-related fees, service  
24 charges and costs provided in law.

25 (2) Each budget shall conform to the following  
26 requirements:

27 (a) On May 1, 2004, for the fiscal period of July 1,  
28 2004, through September 30, 2004, and on or before August 1  
29 for each fiscal year thereafter, the budget shall be prepared,  
30 summarized, and submitted by the clerk in each county to the  
31 Clerk of Court Operations Conference in the manner and form

1 prescribed by the conference. The budget must provide detailed  
2 information on the anticipated revenues available and  
3 expenditures necessary for the performance of the  
4 court-related functions of the clerk's office for the county  
5 fiscal year beginning the following October 1.

6 (b) The budget must be balanced, such that the total  
7 of the estimated revenues available, including cash balances  
8 brought forward from the prior fiscal period, and supplemental  
9 revenue that may be requested pursuant to subsection (3) must  
10 equal or exceed the total of the anticipated expenditures and  
11 reserves authorized in paragraph (c). The anticipated  
12 expenditures must be itemized as required by the Clerk of  
13 Court Operations Conference.

14 (c) Provision in the budget may be made for each clerk  
15 for a reserve for contingencies not to exceed 10 percent of  
16 the total budget.

17 (3) In the event that a clerk of the circuit court  
18 estimates that available revenues are insufficient to meet the  
19 anticipated court-related expenditures of his or her office,  
20 the clerk must certify to the Clerk of Court Operations  
21 Conference, in the manner and form prescribed by the  
22 conference, a request for supplemental funding from the Clerk  
23 of Court Operations Conference Contingency Fund as necessary  
24 to comply with the balanced-budget requirement of this  
25 section.

26 (4) The Clerk of the Court Operations Conference must  
27 approve the court-related budget for each clerk in the state,  
28 and shall certify to the Legislature by October 15 of each  
29 year, the budget amount approved for each clerk's office; the  
30 revenue projection supporting each clerk's budget; and the  
31

1 amount of the contingency fund, if any, used to supplement  
2 each clerk's budget.

3 (5) For the county fiscal year October 1, 2004 through  
4 September 30, 2005, the annual budget amount approved by the  
5 Clerk of the Court Operations Conference for each clerk may  
6 not exceed 103 percent of the clerk's actual expenditures for  
7 the prior annual county fiscal year for court-related  
8 functions that are authorized or required by law effective  
9 July 1, 2004. The clerk's actual expenditures for the prior  
10 county fiscal year court-related functions that are authorized  
11 or required by law effective July 1, 2004, shall be as  
12 reported by the Chief Financial Officer based on the county  
13 financial reporting required under s. 218.32.

14 (6) For the county fiscal year beginning October 1,  
15 2005 through September 30, 2006, and for subsequent county  
16 fiscal years, the annual budget amount approved by the Clerk  
17 of the Court Operations Conference for each clerk may not  
18 exceed the greater of:

19 (a) One hundred three percent of the clerk's approved  
20 budget amount for the prior county fiscal year for  
21 court-related functions; or

22 (b) The clerk's approved budget amount for the prior  
23 county fiscal year increased by the clerk's projected percent  
24 increase in all court-related revenues from fees, service  
25 charges and costs for the coming fiscal year.

26 (7) The Clerk of the Court Operations Conference may  
27 submit proposed legislation to the Governor, the President of  
28 the Senate, and Speaker of the House of Representatives no  
29 later than November 1 in any year for approval of clerks'  
30 budget amounts exceeding the restrictions in subsections (5)  
31 and (6) for the following October 1. The conference shall also

1 submit supporting justification with sufficient detail to  
2 identify the specific proposed expenditures that require the  
3 limitations to be exceeded for each clerk.

4 Section 12. Section 28.37, Florida Statutes, is  
5 created to read:

6 28.37 Excess revenues remitted to the state.--

7 (1) Pursuant to s. 14(b), Art. V of the State  
8 Constitution, selected salaries, costs, and expenses of the  
9 state court system and court-related functions shall be funded  
10 from a portion of the revenues derived from statutory fees,  
11 service charges and costs collected by the clerks of the  
12 circuit court.

13 (2) Beginning January 1, 2005, for the period July 1,  
14 2004, through September 30, 2004, and each January 1  
15 thereafter for the preceding county fiscal year of October 1  
16 through September 30, the clerk of the circuit court must  
17 remit to the Department of Revenue for deposit in the General  
18 Revenue Fund the cumulative excess of all statutory fees,  
19 service charges, and costs collected for the clerk's  
20 court-related functions over the amount needed to meet the  
21 approved budget amounts established under s. 28.36.

22 (3) The Department of Revenue shall adopt rules  
23 governing the assessment and remittance of the funds to be  
24 transferred to the state in this section, the required forms  
25 and procedures, and penalties for failure to comply. The  
26 department shall collect any funds if the department  
27 determines upon investigation that such funds were due but not  
28 remitted to the department on January 1.

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

31 34.032 Power of clerk to appoint deputies.--

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

7           Section 14. Section 34.041, Florida Statutes, is  
8 amended to read:

9           34.041 Filing fees ~~Service charges~~ and costs.--

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

- 14           (a) For all claims less than  
15 \$100.....\$50.00 ~~\$10.00~~.  
16           (b) For all claims of \$100 or more but not more than  
17 \$2,500..... 150.00 ~~25.00~~.  
18           (c) For all claims of more than  
19 \$2,500.....300.00 ~~40.00~~.  
20           (d) In addition, for all proceedings of garnishment,  
21 attachment, replevin, and distress.....75.00 ~~35.00~~.  
22           (e) For removal of tenant action.....300.00 ~~35.00~~.

23  
24 Seven dollars of the initial filing fee shall be remitted by  
25 the clerk to the Department of Revenue for deposit into the  
26 General Revenue Fund of the state and \$2.50 of the initial  
27 filing fee shall be remitted by the clerk to the Department of  
28 Revenue for deposit into the Court Education Trust Fund.

29 Postal charges incurred by the clerk of the county court in  
30 making service by mail on defendants or other parties shall be  
31 paid by the party at whose instance service is made. Except

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

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

1 according to the discretion of the judge who may include  
2 therein the reasonable costs of bonds and undertakings and  
3 other reasonable court costs incident to the suit incurred by  
4 either party.

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

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

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

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

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

30 34.191 Fines, forfeitures, and costs.--  
31



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

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

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

26           44.108 Funding of mediation and  
27 arbitration.--Mediation should be accessible to all parties  
28 regardless of financial status. A filing fee of \$1 is levied  
29 on all proceedings in the circuit or county courts to fund  
30 mediation and arbitration services which are the  
31 responsibility of the Supreme Court pursuant to the provisions

1 of s. 44.106. The clerk of the court shall forward the monies  
2 collected to the Department of Revenue for deposit in the  
3 state courts' Mediation and Arbitration Trust Fund.~~Each board~~  
4 ~~of county commissioners may support mediation and arbitration~~  
5 ~~services by appropriating moneys from county revenues and by:~~  
6       ~~(1) Levying, in addition to other service charges~~  
7 ~~levied by law, a service charge of no more than \$5 on any~~  
8 ~~circuit court proceeding, which shall be deposited in the~~  
9 ~~court's mediation-arbitration account fund under the~~  
10 ~~supervision of the chief judge of the circuit in which the~~  
11 ~~county is located; and~~  
12       ~~(2) Levying, in addition to other service charges~~  
13 ~~levied by law, a service charge of no more than \$5 on any~~  
14 ~~county court proceeding, which shall be deposited in the~~  
15 ~~county's mediation-arbitration account fund to be used to fund~~  
16 ~~county civil mediation services under the supervision of the~~  
17 ~~chief judge of the circuit in which the county is located.~~  
18       ~~(3) Levying, in addition to other service charges~~  
19 ~~levied by law, a service charge of no more than \$45 on any~~  
20 ~~petition for a modification of a final judgment of~~  
21 ~~dissolution, which shall be deposited in the court's family~~  
22 ~~mediation account fund to be used to fund family mediation~~  
23 ~~services under the supervision of the chief judge of the~~  
24 ~~circuit in which the county is located.~~  
25       ~~(4) If a board of county commissioners levies the~~  
26 ~~service charge authorized in subsection (1), subsection (2),~~  
27 ~~or subsection (3), the clerk of the court shall forward \$1 of~~  
28 ~~each charge to the Department of Revenue for deposit in the~~  
29 ~~state mediation and arbitration trust fund which is hereby~~  
30 ~~established. Such fund shall be used by the Supreme Court to~~  
31 ~~carry out its responsibilities set forth in s. 44.106.~~

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

3           55.505 Notice of recording; prerequisite to  
4 enforcement.--

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

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

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

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

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

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

15 55.312 Service charge on certain money judgments and  
16 settlement agreements.--

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

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

1 payment or settlement is paid. If the parties enter into a  
2 confidential settlement, the amount of the settlement may be  
3 disclosed by the parties to the court, in camera, in order for  
4 the service charge to be assessed.

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

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

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

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

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

1           (7) Before February 1 of each year, the Department of  
2 Revenue shall report in writing to the President of the Senate  
3 and the Speaker of the House of Representatives the dollar  
4 amount of remittances received by the department in the prior  
5 calendar year, by county.

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

8           61.14 Enforcement and modification of support,  
9 maintenance, or alimony agreements or orders.--

10           (6)

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

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

27           (f)1. Upon request of any person, the local depository  
28 shall issue, upon payment of a fee of ~~\$7.50~~\$5, a payoff  
29 statement of the total amount due under the judgment at the  
30 time of the request. The statement may be relied upon by the  
31

1 person for up to 30 days from the time it is issued unless  
2 proof of satisfaction of the judgment is provided.

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

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

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

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

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

1 ~~expenses, fees, and costs, where the crime was committed in~~  
2 ~~the county and the fees and costs are a legal claim against~~  
3 ~~the county, in accordance with the provisions of this chapter.~~  
4 ~~Any surplus funds remaining in the fine and forfeiture fund at~~  
5 ~~the end of a fiscal year may be transferred to the county~~  
6 ~~general fund.~~

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

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

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

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



1 under s. 775.0835(1), and assessments imposed under ss.  
2 938.21, 938.23, and 938.25, all fines imposed under the penal  
3 laws of this state in all other cases, and the proceeds of all  
4 forfeited bail bonds or recognizances in all other cases,  
5 shall be paid into the fine and forfeiture fund of the clerk  
6 of the county in which the indictment was found or the  
7 prosecution commenced, and judgment must be entered therefor  
8 in favor of the state for the use by the clerk of the circuit  
9 court in performing court-related functions ~~of the particular~~  
10 ~~county.~~

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

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

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

30 142.16 Change of venue.--In case of change of venue in  
31 any case, all fines and forfeitures in such case go to the

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

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

11 145.022 Guaranteed salary upon resolution of board of  
12 county commissioners.--

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

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

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

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

25 (d) The proceeds of all other taxes and fees imposed  
26 pursuant to this chapter or remitted pursuant to s.  
27 202.18(1)(b) and (2)(b) shall be distributed as follows:

28 1. In any fiscal year, the greater of \$500 million,  
29 minus an amount equal to 4.6 percent of the proceeds of the  
30 taxes collected pursuant to chapter 201, or 5 percent of all  
31 other taxes and fees imposed pursuant to this chapter or

1 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be  
2 deposited in monthly installments into the General Revenue  
3 Fund.

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

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

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

16           5. ~~For proceeds received after July 1, 2000, and~~ After  
17 the distributions under subparagraphs 1., 2., 3., and 4.,  
18 2.0440 ~~2.25~~ percent of the available proceeds pursuant to this  
19 paragraph shall be transferred monthly to the Revenue Sharing  
20 Trust Fund for Counties pursuant to s. 218.215.

21           6. ~~For proceeds received after July 1, 2000, and~~ After  
22 the distributions under subparagraphs 1., 2., 3., and 4.,  
23 1.3409 ~~1.0715~~ percent of the available proceeds pursuant to  
24 this paragraph shall be transferred monthly to the Revenue  
25 Sharing Trust Fund for Municipalities pursuant to s. 218.215.  
26 If the total revenue to be distributed pursuant to this  
27 subparagraph is at least as great as the amount due from the  
28 Revenue Sharing Trust Fund for Municipalities and the  
29 Municipal Financial Assistance Trust Fund in state fiscal year  
30 1999-2000, no municipality shall receive less than the amount  
31 due from the Revenue Sharing Trust Fund for Municipalities and

1 the Municipal Financial Assistance Trust Fund in state fiscal  
2 year 1999-2000. If the total proceeds to be distributed are  
3 less than the amount received in combination from the Revenue  
4 Sharing Trust Fund for Municipalities and the Municipal  
5 Financial Assistance Trust Fund in state fiscal year  
6 1999-2000, each municipality shall receive an amount  
7 proportionate to the amount it was due in state fiscal year  
8 1999-2000.

9 7. Of the remaining proceeds:

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

31

1 550.135. This distribution specifically is in lieu of funds  
2 distributed under s. 550.135 prior to July 1, 2000.

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

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

30       d. Beginning 30 days after notice by the Office of  
31 Tourism, Trade, and Economic Development to the Department of

1 Revenue that the applicant has been certified as the  
2 International Game Fish Association World Center facility  
3 pursuant to s. 288.1169, and the facility is open to the  
4 public, \$83,333 shall be distributed monthly, for up to 168  
5 months, to the applicant. This distribution is subject to  
6 reduction pursuant to s. 288.1169. A lump sum payment of  
7 \$999,996 shall be made, after certification and before July 1,  
8 2000.

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

11           Section 28. Effective July 1, 2004, paragraph (b) of  
12 subsection (6) of section 218.21, Florida Statutes, is amended  
13 to read:

14           218.21 Definitions.--As used in this part, the  
15 following words and terms shall have the meanings ascribed  
16 them in this section, except where the context clearly  
17 indicates a different meaning:

18           (6) "Guaranteed entitlement" means the amount of  
19 revenue which must be shared with an eligible unit of local  
20 government so that:

21           (a) No eligible county shall receive less funds from  
22 the Revenue Sharing Trust Fund for Counties in any fiscal year  
23 than the amount received in the aggregate from the state in  
24 fiscal year 1971-1972 under the provisions of the  
25 then-existing s. 210.20(2)(c), tax on cigarettes; the  
26 then-existing s. 323.16(4), road tax; and the then-existing s.  
27 199.292(4), tax on intangible personal property.

28           (b) No eligible municipality shall receive less funds  
29 from the Revenue Sharing Trust Fund for Municipalities in any  
30 fiscal year than the aggregate amount it received from the  
31 state in fiscal year 1971-1972 under the provisions of the

1 then-existing s. 210.20(2)(a), tax on cigarettes; the  
2 then-existing s. 323.16(3), road tax; and s. 206.605, tax on  
3 motor fuel. Any government exercising municipal powers under  
4 s. 6(f), Art. VIII of the State Constitution may not receive  
5 less than the aggregate amount it received from the Revenue  
6 Sharing Trust Fund for Municipalities in the ~~preceding fiscal~~  
7 ~~year, plus a percentage increase in such amount equal to the~~  
8 ~~percentage increase of the Revenue Sharing Trust Fund for~~  
9 ~~Municipalities for the preceding~~ 2003-2004 fiscal year.

10 Section 29. Effective July 1, 2004, subsection (2) of  
11 section 218.35, Florida Statutes, is amended to read:

12 218.35 County fee officers; financial matters.--

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

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

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

27 Section 30. Paragraph (b) of subsection (1) and  
28 subsection (2) of section 318.15, Florida Statutes, are  
29 amended to read:

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

1 (1)

2 (b) However, a person who elects to attend driver  
3 improvement school and has paid the civil penalty as provided  
4 in s. 318.14(9), but who subsequently fails to attend the  
5 driver improvement school within the time specified by the  
6 court shall be deemed to have admitted the infraction and  
7 shall be adjudicated guilty. In such case the person must pay  
8 the clerk of the court the 18 percent deducted pursuant to s.  
9 318.14(9), and a \$15~~\$10~~ processing fee, after which no  
10 additional penalties, court costs, or surcharges shall be  
11 imposed for the violation. The clerk of the court shall notify  
12 the department of the person's failure to attend driver  
13 improvement school and points shall be assessed pursuant to s.  
14 322.27.

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

26 Section 31. Subsections (2), (6), (7), and (11) of  
27 section 318.18, Florida Statutes, are amended to read:

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

31



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

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

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

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

20           2. If a person who is cited for a violation of s.  
21 322.03, s. 322.065, or s. 322.15 can show a driver's license  
22 issued to him or her and valid at the time of arrest, the  
23 clerk of the court may dismiss the case and may assess a \$7.50  
24 ~~\$5~~ dismissal fee.

25           3. If a person who is cited for a violation of s.  
26 316.646 can show proof of security as required by s. 627.733,  
27 issued to the person and valid at the time of arrest, the  
28 clerk of the court may dismiss the case and may assess a \$7.50  
29 ~~\$5~~ dismissal fee. A person who finds it impossible or  
30 impractical to obtain proof of security must submit an  
31 affidavit detailing the reasons for the impracticality. The

1 reasons may include, but are not limited to, the fact that the  
2 vehicle has since been sold, stolen, or destroyed; that the  
3 owner or registrant of the vehicle is not required by s.  
4 627.733 to maintain personal injury protection insurance; or  
5 that the vehicle is owned by another person.

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

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

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

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

1 of the disabled parking permit or license plate was present at  
2 the time the violation occurred, and that such a parking  
3 permit or license plate was valid at the time the violation  
4 occurred. The law enforcement officer, upon determining that  
5 all required documentation has been submitted verifying that  
6 the required parking permit or license plate was valid at the  
7 time of the violation, must sign an affidavit of compliance.  
8 Upon provision of the affidavit of compliance and payment of a  
9 \$7.50~~\$5~~ dismissal fee to the clerk of the circuit court, the  
10 clerk shall dismiss the citation.

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

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

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

27  
28 (b) In addition to the court cost assessed under  
29 paragraph (a), the court shall impose a \$3 court cost for each  
30 infraction to be distributed as provided in s. 938.01 and a \$2  
31

1 court cost as provided in s. 938.15 when assessed by a  
2 municipality or county.

3

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

10 Section 32. Paragraph (f) of subsection (2) of section  
11 318.21, Florida Statutes, is amended to read:

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

16 (2) Of the remainder:

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

19 Section 33. Subsection (1) of section 322.245, Florida  
20 Statutes, is amended to read:

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

26 (1) If a person who is charged with a violation of any  
27 of the criminal offenses enumerated in s. 318.17 or with the  
28 commission of any offense constituting a misdemeanor under  
29 chapter 320 or this chapter fails to comply with all of the  
30 directives of the court within the time allotted by the court,  
31 the clerk of the traffic court shall mail to the person, at

1 the address specified on the uniform traffic citation, a  
2 notice of such failure, notifying him or her that, if he or  
3 she does not comply with the directives of the court within 30  
4 days after the date of the notice and pay a delinquency fee of  
5 ~~\$15~~<sup>\$10</sup> to the clerk, his or her driver's license will be  
6 suspended. The notice shall be mailed no later than 5 days  
7 after such failure. The delinquency fee may be retained by the  
8 office of the clerk to defray the operating costs of the  
9 office.

10 Section 34. Paragraph (a) of subsection (9) of section  
11 327.73, Florida Statutes, is amended to read:

12 327.73 Noncriminal infractions.--

13 (9)(a) Any person who fails to comply with the court's  
14 requirements or who fails to pay the civil penalties specified  
15 in this section within the 30-day period provided for in s.  
16 327.72 must pay an additional court cost of ~~\$18~~<sup>\$12</sup>, which  
17 shall be used by the clerks of the courts to defray the costs  
18 of tracking unpaid uniform boating citations.

19 Section 35. Section 382.023, Florida Statutes, is  
20 amended to read:

21 382.023 Department to receive dissolution-of-marriage  
22 records; fees.--Clerks of the circuit courts shall collect for  
23 their services at the time of the filing of a final judgment  
24 of dissolution of marriage a fee of ~~\$10.50~~<sup>\$7</sup>, of which \$4.50  
25 ~~\$3~~ shall be retained by the circuit court as a part of the  
26 cost in the cause in which the judgment is granted. The  
27 remaining ~~\$6~~<sup>\$4</sup> shall be remitted to the Department of Revenue  
28 for deposit to the Department of Health to defray part of the  
29 cost of maintaining the dissolution-of-marriage records. A  
30 record of each and every judgment of dissolution of marriage  
31 granted by the court during the preceding calendar month,

1 giving names of parties and such other data as required by  
2 forms prescribed by the department, shall be transmitted to  
3 the department, on or before the 10th day of each month, along  
4 with an accounting of the funds remitted to the Department of  
5 Revenue pursuant to this section.

6 Section 36. Subsection (1) of section 713.24, Florida  
7 Statutes, is amended to read:

8 713.24 Transfer of liens to security.--

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

14 (a) Depositing in the clerk's office a sum of money,  
15 or

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

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

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

18 Section 37. Section 744.3135, Florida Statutes, is  
19 amended to read:

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

1 Enforcement for processing. The professional guardian shall  
2 pay to the clerk of the court a fee of \$7.50~~\$5~~ for handling  
3 and processing professional guardian files. The results of the  
4 fingerprint checks shall be forwarded to the clerk of court  
5 who shall maintain the results in a guardian file and shall  
6 make the results available to the court. If credit or criminal  
7 investigations are required, the court must consider the  
8 results of the investigations in appointing a guardian.  
9 Guardians and all employees of a professional guardian who  
10 have a fiduciary responsibility to a ward, so appointed, must  
11 resubmit, at their own expense, to an investigation of credit  
12 history, and undergo level 1 background screening as required  
13 under s. 435.03, every 2 years after the date of their  
14 appointment. The court must consider the results of these  
15 investigations in reappointing a guardian. This section shall  
16 not apply to a professional guardian, or to the employees of a  
17 professional guardian, that is a trust company, a state  
18 banking corporation or state savings association authorized  
19 and qualified to exercise fiduciary powers in this state, or a  
20 national banking association or federal savings and loan  
21 association authorized and qualified to exercise fiduciary  
22 powers in this state.

23 Section 38. Paragraph (a) of subsection (6) of section  
24 744.365, Florida Statutes, is amended to read:

25 744.365 Verified inventory.--

26 (6) AUDIT FEE.--

27 (a) Where the value of the ward's property exceeds  
28 \$25,000, a guardian shall pay from the ward's property to the  
29 clerk of the circuit court a fee of \$75~~\$50~~, upon the filing  
30 of the verified inventory, for the auditing of the inventory.  
31 Any guardian unable to pay the auditing fee may petition the



1 court for waiver of the fee. The court may waive the fee  
2 after it has reviewed the documentation filed by the guardian  
3 in support of the waiver. ~~If the fee is waived for a ward,~~  
4 ~~the audit fee must be paid from the general fund of the county~~  
5 ~~in which the guardianship proceeding is conducted.~~

6 Section 39. Subsection (4) of section 744.3678,  
7 Florida Statutes, is amended to read:

8 744.3678 Annual accounting.--

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

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

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

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

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

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

28 Section 40. Section 921.26, Florida Statutes, is  
29 created to read:

30 921.26 Notice of assessment of court cost.--The  
31 assessment of a court cost under chapter 938 shall be made

1 upon any order entered pursuant to this chapter. A court cost  
2 assessed under s. 938.02 shall take priority over any other  
3 court cost assessed, and shall be collected before any other  
4 court cost.

5 Section 41. Section 938.02, Florida Statutes, is  
6 created to read:

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

26 Section 42. Effective July 1, 2003, section 938.07,  
27 Florida Statutes, is amended to read:

28 938.07 Driving or boating under the  
29 influence.--Notwithstanding any other provision of s. 316.193  
30 or s. 327.35, a court cost of ~~\$200~~\$135 shall be added to any  
31 fine imposed pursuant to s. 316.193 or s. 327.35. The clerks

1 shall remit the funds to the Department of Revenue, \$25 of  
2 which shall be deposited in the Emergency Medical Services  
3 Trust Fund, \$50 shall be deposited in the Criminal Justice  
4 Standards and Training Trust Fund of the Department of Law  
5 Enforcement to be used for operational expenses in conducting  
6 the statewide criminal analysis laboratory system established  
7 in s. 943.32, and \$60 shall be deposited in the Brain and  
8 Spinal Cord Injury Rehabilitation Trust Fund created in s.  
9 381.79, and \$65 shall be deposited in the Trauma Services  
10 Trust Fund to be used solely for the purpose of providing  
11 funding for Level II trauma centers, which funding shall be  
12 distributed equally on a monthly basis to all state-approved  
13 or provisional state-approved Level II trauma centers  
14 operating in the state.

15 Section 43. Effective July 1, 2003, section 938.35,  
16 Florida Statutes, is amended to read:

17 938.35 Collection of court-related financial  
18 obligations.--Any provision of law notwithstanding, a clerk of  
19 the circuit court ~~county~~ may pursue the collection of any  
20 fines, court costs, or other costs imposed by the court which  
21 remain unpaid for 90 days or more, or refer such collection to  
22 a private attorney who is a member in good standing of The  
23 Florida Bar or collection agent who is registered and in good  
24 standing pursuant to chapter 559. In pursuing the collection  
25 of such unpaid financial obligations through a private  
26 attorney or collection agent, the clerk of the circuit court  
27 ~~governing body of the county~~ must determine that such  
28 collection is cost-effective and the clerk ~~county~~ must follow  
29 applicable procurement practices. The costs of collection,  
30 including a reasonable attorney's fee, may be recovered,  
31

1 except that such fees and costs of collection may not exceed  
2 40 percent of the total fines and costs owed.

3 Section 44. Subsection (5) is added to section 26.012,  
4 Florida Statutes, to read:

5 26.012 Jurisdiction of circuit court.--

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

7 Section 45. Section 27.06, Florida Statutes, is  
8 amended to read:

9 27.06 Habeas corpus and preliminary trials.--The  
10 several state attorneys of this state shall represent the  
11 state in all cases of habeas corpus arising in their  
12 respective circuits, and shall also represent the state,  
13 either in person or by assistant, in cases of preliminary  
14 trials of persons charged with capital offenses in all cases  
15 where the committing trial court judge ~~magistrate~~ shall have  
16 given due and timely notice of the time and place of such  
17 trial. Notice of the application for the writ of habeas  
18 corpus shall be given to the prosecuting officer of the court  
19 wherein the statute under attack is being applied, the  
20 criminal law proceeding is being maintained, or the conviction  
21 has occurred.

22 Section 46. Subsections (2) and (3) of section 34.01,  
23 Florida Statutes, are amended, and subsection (5) is added to  
24 that section, to read:

25 34.01 Jurisdiction of county court.--

26 (2) The county courts shall have jurisdiction  
27 previously exercised by county judges' courts other than that  
28 vested in the circuit court by s. 26.012, except that county  
29 court judges may hear matters involving dissolution of  
30 marriage under the simplified dissolution procedure pursuant  
31 to ~~Rule 1.611(c)~~, Florida Family Law Rules of ~~Civil~~ Procedure

1 or may issue a final order for dissolution in cases where the  
2 matter is uncontested, and the jurisdiction previously  
3 exercised by county courts, the claims court, small claims  
4 courts, small claims magistrates courts, magistrates courts,  
5 justice of the peace courts, municipal courts, and courts of  
6 chartered counties, including but not limited to the counties  
7 referred to in ss. 9, 10, 11, and 24, Art. VIII of the State  
8 Constitution of 1968 ~~1885~~.

9 (3) Judges of county courts shall also be committing  
10 trial court judges ~~magistrates~~. Judges of county courts shall  
11 be coroners unless otherwise provided by law or by rule of the  
12 Supreme Court.

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

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

18 Section 47. Section 48.20, Florida Statutes, is  
19 amended to read:

20 48.20 Service of process on Sunday.--Service or  
21 execution on Sunday of any writ, process, warrant, order, or  
22 judgment is void and the person serving or executing, or  
23 causing it to be served or executed, is liable to the party  
24 aggrieved for damages for so doing as if he or she had done it  
25 without any process, writ, warrant, order, or judgment. If  
26 affidavit is made by the person requesting service or  
27 execution that he or she has good reason to believe that any  
28 person liable to have any such writ, process, warrant, order,  
29 or judgment served on him or her intends to escape from this  
30 state under protection of Sunday, any officer furnished with  
31 an order authorizing service or execution by the trial court

1 | ~~judge or magistrate of any incorporated town~~ may serve or  
2 | execute such writ, process, warrant, order, or judgment on  
3 | Sunday, and it is as valid as if it had been done on any other  
4 | day.

5 |         Section 48. Subsection (3) of section 316.635, Florida  
6 | Statutes, is amended to read:

7 |             316.635 Courts having jurisdiction over traffic  
8 | violations; powers relating to custody and detention of  
9 | minors.--

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

20 |            (a) Issue a notice to appear pursuant to chapter 901  
21 | and release the minor to a parent, guardian, responsible adult  
22 | relative, or other responsible adult;

23 |            (b) Issue a notice to appear pursuant to chapter 901  
24 | and release the minor pursuant to s. 903.06;

25 |            (c) Issue a notice to appear pursuant to chapter 901  
26 | and deliver the minor to an appropriate substance abuse  
27 | treatment or rehabilitation facility or refer the minor to an  
28 | appropriate medical facility as provided in s. 901.29. If the  
29 | minor cannot be delivered to an appropriate substance abuse  
30 | treatment or rehabilitation facility or medical facility, the  
31 | arresting officer may deliver the minor to an appropriate

1 intake office of the Department of Juvenile Justice, which  
2 shall take custody of the minor and make any appropriate  
3 referrals; or

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

10

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

18 Section 49. Section 373.603, Florida Statutes, is  
19 amended to read:

20 373.603 Power to enforce.--The Department of  
21 Environmental Protection or the governing board of any water  
22 management district and any officer or agent thereof may  
23 enforce any provision of this law or any rule or regulation  
24 adopted and promulgated or order issued thereunder to the same  
25 extent as any peace officer is authorized to enforce the law.  
26 Any officer or agent of any such board may appear before any  
27 trial court judge ~~magistrate~~ empowered to issue warrants in  
28 criminal cases and make an affidavit and apply for the  
29 issuance of a warrant in the manner provided by law, ~~and said~~  
30 ~~magistrate~~, If such affidavit alleges ~~shall allege~~ the  
31 commission of an offense, the trial court judge shall issue a

1 warrant directed to any sheriff or deputy for the arrest of  
2 any offender. The provisions of this section shall apply to  
3 the Florida Water Resources Act of 1972 in its entirety.

4 Section 50. Subsection (4) of section 381.0012,  
5 Florida Statutes, is amended to read:

6 381.0012 Enforcement authority.--

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

13 Section 51. Subsections (3) and (4) of section  
14 450.121, Florida Statutes, are amended to read:

15 450.121 Enforcement of Child Labor Law.--

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

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

26 Section 52. Subsection (2) of section 560.306, Florida  
27 Statutes, is amended to read:

28 560.306 Standards.--

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



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

17 Section 53. Section 633.14, Florida Statutes, is  
18 amended to read:

19 633.14 Agents; powers to make arrests, conduct  
20 searches and seizures, serve summonses, and carry  
21 firearms.--Agents of the State Fire Marshal shall have the  
22 same authority to serve summonses, make arrests, carry  
23 firearms, and make searches and seizures, as the sheriff or  
24 her or his deputies, in the respective counties where such  
25 investigations, hearings, or inspections may be held; and  
26 affidavits necessary to authorize any such arrests, searches,   
27 or seizures may be made before any trial court judge  
28 ~~magistrate~~ having authority under the law to issue appropriate  
29 processes.

30  
31

1           Section 54. Paragraph (e) of subsection (1) and  
2 paragraph (c) of subsection (2) of section 648.44, Florida  
3 Statutes, are amended to read:

4           648.44 Prohibitions; penalty.--

5           (1) A bail bond agent, temporary bail bond agent, or  
6 runner may not:

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

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

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

21           Section 55. Subsection (3) of section 817.482, Florida  
22 Statutes, is amended to read:

23           817.482 Possessing or transferring device for theft of  
24 telecommunications service; concealment of destination of  
25 telecommunications service.--

26           (3) Any such instrument, apparatus, equipment, or  
27 device, or plans or instructions therefor, referred to in  
28 subsections (1) and (2), may be seized by court order or under  
29 a search warrant of a judge ~~or magistrate~~ or incident to a  
30 lawful arrest; and upon the conviction of any person for a  
31 violation of any provision of this act, or s. 817.481, such

1 instrument, apparatus, equipment, device, plans, or  
2 instructions either shall be destroyed as contraband by the  
3 sheriff of the county in which such person was convicted or  
4 turned over to the telephone company in whose territory such  
5 instrument, apparatus, equipment, device, plans, or  
6 instructions were seized.

7 Section 56. Subsection (5) of section 828.122, Florida  
8 Statutes, is amended to read:

9 828.122 Fighting or baiting animals; offenses;  
10 penalties.--

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

20 Section 57. Subsection (8) of section 832.05, Florida  
21 Statutes, is amended to read:

22 832.05 Giving worthless checks, drafts, and debit card  
23 orders; penalty; duty of drawee; evidence; costs; complaint  
24 form.--

25 (8) COSTS.--When a prosecution is initiated under this  
26 section before any committing trial court judge ~~magistrate~~,  
27 the party applying for the warrant shall be held liable for  
28 costs accruing in the event the case is dismissed for want of  
29 prosecution. No costs shall be charged to the county in such  
30 dismissed cases.

31

1           Section 58. Section 876.42, Florida Statutes, is  
2 amended to read:

3           876.42 Witnesses' privileges.--No person shall be  
4 excused from attending and testifying, or producing any books,  
5 papers, or other documents before any court, ~~magistrate,~~  
6 referee, or grand jury upon any investigation, proceeding, or  
7 trial, for or relating to or concerned with a violation of any  
8 section of this law or attempt to commit such violation, upon  
9 the ground or for the reason that the testimony or evidence,  
10 documentary or otherwise, required by the state may tend to  
11 convict the person of a crime or to subject him or her to a  
12 penalty or forfeiture; but no person shall be prosecuted or  
13 subjected to any penalty or forfeiture for or on account of  
14 any transaction, matter, or thing concerning which the person  
15 may so testify or produce evidence, documentary or otherwise,  
16 and no testimony so given or produced shall be received  
17 against the person, upon any criminal investigation,  
18 proceeding, or trial, except upon a prosecution for perjury or  
19 contempt of court, based upon the giving or producing of such  
20 testimony.

21           Section 59. Paragraph (a) of subsection (1) of section  
22 893.12, Florida Statutes, is amended to read:

23           893.12 Contraband; seizure, forfeiture, sale.--

24           (1) All substances controlled by this chapter and all  
25 listed chemicals, which substances or chemicals are handled,  
26 delivered, possessed, or distributed contrary to any  
27 provisions of this chapter, and all such controlled substances  
28 or listed chemicals the lawful possession of which is not  
29 established or the title to which cannot be ascertained, are  
30 declared to be contraband, are subject to seizure and  
31 confiscation by any person whose duty it is to enforce the

1 provisions of the chapter, and shall be disposed of as  
2 follows:

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

12 Section 60. Section 901.01, Florida Statutes, is  
13 amended to read:

14 901.01 Judicial officers have ~~to be~~ committing  
15 authority ~~magistrates~~.--Each state judicial officer is a  
16 conservator of the peace and has ~~a~~ committing ~~magistrate~~ with  
17 authority to issue warrants of arrest, commit offenders to  
18 jail, and recognize them to appear to answer the charge. He  
19 or she may require sureties of the peace when the peace has  
20 been substantially threatened or disturbed.

21 Section 61. Subsection (1) of section 901.02, Florida  
22 Statutes, is amended to read:

23 901.02 When warrant of arrest to be issued.--

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

31

1           Section 62. Section 901.07, Florida Statutes, is  
2 amended to read:

3           901.07 Admission to bail when arrest occurs in another  
4 county.--

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

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

20           Section 63. Section 901.08, Florida Statutes, is  
21 amended to read:

22           901.08 Issue of warrant when offense triable in  
23 another county.--

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

1 made to be taken before a designated trial court judge  
2 ~~magistrate~~ of the county in which the offense is triable.

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

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

15 Section 64. Section 901.09, Florida Statutes, is  
16 amended to read:

17 901.09 When summons shall be issued.--

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

25 (2) When the complaint is for a misdemeanor that the  
26 trial court judge ~~magistrate~~ is not empowered to try  
27 summarily, the trial court judge ~~magistrate~~ shall issue a  
28 summons instead of a warrant if she or he reasonably believes  
29 that the person against whom the complaint was made will  
30 appear upon a summons.

31

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

5           Section 65. Section 901.11, Florida Statutes, is  
6 amended to read:

7           901.11 Effect of not answering summons.--Failure to  
8 appear as commanded by a summons without good cause is an  
9 indirect criminal contempt of court and may be punished by a  
10 fine of not more than \$100. When a person fails to appear as  
11 commanded by a summons, the trial court judge ~~magistrate~~ shall  
12 issue a warrant. If the trial court judge ~~magistrate~~ acquires  
13 reason to believe that the person summoned will not appear as  
14 commanded after issuing a summons, the trial court judge  
15 ~~magistrate~~ may issue a warrant.

16           Section 66. Section 901.12, Florida Statutes, is  
17 amended to read:

18           901.12 Summons against corporation.--When a complaint  
19 of an offense is made against a corporation, the trial court  
20 judge ~~magistrate~~ shall issue a summons that shall set forth  
21 substantially the nature of the offense and command the  
22 corporation to appear before the trial court judge ~~magistrate~~  
23 at a stated time and place.

24           Section 67. Subsection (3) of section 901.25, Florida  
25 Statutes, is amended to read:

26           901.25 Fresh pursuit; arrest outside jurisdiction.--

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



1 making the arrest, take the person so arrested before a trial  
2 ~~county court judge or other committing magistrate~~ of the  
3 county in which the arrest was made without unnecessary delay.

4 Section 68. Section 902.15, Florida Statutes, is  
5 amended to read:

6 902.15 Undertaking by witness.--When a defendant is  
7 held to answer on a charge for a crime punishable by death or  
8 life imprisonment, the trial court judge ~~magistrate~~ at the  
9 preliminary hearing may require each material witness to enter  
10 into a written recognizance to appear at the trial or forfeit  
11 a sum fixed by the trial court judge ~~magistrate~~. Additional  
12 security may be required in the discretion of the trial court  
13 judge ~~magistrate~~.

14 Section 69. Subsections (1), (2), and (3) of section  
15 902.17, Florida Statutes, are amended to read:

16 902.17 Procedure when witness does not give  
17 security.--

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

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

27 (3) If it appears from examination on oath of the  
28 witness or any other person that the witness is unable to give  
29 security, the trial court judge ~~magistrate~~ or the court having  
30 jurisdiction to try the defendant shall make an order finding  
31 that fact, and the witness shall be detained pending

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

14 Section 70. Section 902.20, Florida Statutes, is  
15 amended to read:

16 902.20 Contempts before committing trial court judge  
17 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding  
18 a preliminary hearing shall have the same power to punish for  
19 contempts that she or he has while presiding at the trial of  
20 criminal cases.

21 Section 71. Section 902.21, Florida Statutes, is  
22 amended to read:

23 902.21 Commitment to jail in another county.--If a  
24 person is committed in a county where there is no jail, the  
25 committing trial court judge ~~magistrate~~ shall direct the  
26 sheriff to deliver the accused to a jail in another county.

27 Section 72. Subsection (1) of section 903.03, Florida  
28 Statutes, is amended to read:

29 903.03 Jurisdiction of trial court to admit to bail;  
30 duties and responsibilities of Department of Corrections.--  
31

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

8           Section 73. Subsection (2) of section 903.32, Florida  
9 Statutes, is amended to read:

10           903.32 Defects in bond.--

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

21           Section 74. Section 903.34, Florida Statutes, is  
22 amended to read:

23           903.34 Who may admit to bail.--In criminal actions  
24 instituted or pending in any state court, bonds given by  
25 defendants before trial until appeal shall be approved by a  
26 committing trial court judge ~~magistrate~~ or the sheriff. Appeal  
27 bonds shall be approved as provided in s. 924.15.

28           Section 75. Subsection (4) of section 914.22, Florida  
29 Statutes, is amended to read:

30           914.22 Tampering with a witness, victim, or  
31 informant.--

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

4 (a) That the official proceeding before a judge,  
5 court, ~~magistrate~~, grand jury, or government agency is before  
6 a judge or court of the state, a state or local grand jury, or  
7 a state agency; or

8 (b) That the judge is a judge of the state or that the  
9 law enforcement officer is an officer or employee of the state  
10 or a person authorized to act for or on behalf of the state or  
11 serving the state as an adviser or consultant.

12 Section 76. Section 923.01, Florida Statutes, is  
13 amended to read:

14 923.01 Criminal report.--Each committing trial court  
15 judge ~~magistrate~~ at the time commitment papers are sent by her  
16 or him to the proper trial court, and the sheriff when an  
17 arrest is made, other than on a capias, shall transmit to the  
18 prosecuting attorney of the trial court having jurisdiction, a  
19 report in the following form:

20  
21 CRIMINAL REPORT

22 Date: .... Name and address of defendant: .... Age: ..... If  
23 under 18, give name and address of parent, next friend, or  
24 guardian: .... Name of offense, such as murder, assault,  
25 robbery, etc.: .... Date and place where committed: .... Value  
26 of property stolen: .... Kind of property stolen: .... Kind of  
27 building robbed: .... Name and address of owner of property  
28 stolen or building robbed: .... Name and address of occupant  
29 of building robbed: .... Name of party assaulted or murdered:  
30 .... Weapon used in assault or murder: .... Exhibits taken at  
31 scene of crime or from defendant: .... Name of custodian of

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

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

11 Section 77. Section 933.01, Florida Statutes, is  
12 amended to read:

13 933.01 Persons competent to issue search warrant.--A  
14 search warrant authorized by law may be issued by any judge,  
15 including the ~~judge of any circuit court of this state or~~  
16 ~~county court judge, or committing judge of the trial court~~  
17 ~~magistrate~~ having jurisdiction where the place, vehicle, or  
18 thing to be searched may be.

19 Section 78. Section 933.06, Florida Statutes, is  
20 amended to read:

21 933.06 Sworn application required before  
22 issuance.--The judge ~~or magistrate~~ must, before issuing the  
23 warrant, have the application of some person for said warrant  
24 duly sworn to and subscribed, and may receive further  
25 testimony from witnesses or supporting affidavits, or  
26 depositions in writing, to support the application. The  
27 affidavit and further proof, if same be had or required, must  
28 set forth the facts tending to establish the grounds of the  
29 application or probable cause for believing that they exist.

30 Section 79. Subsection (1) of section 933.07, Florida  
31 Statutes, is amended to read:

1           933.07 Issuance of search warrants.--

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

14           Section 80. Section 933.10, Florida Statutes, is  
15 amended to read:

16           933.10 Execution of search warrant during day or  
17 night.--A search warrant issued under ~~the provisions of this~~  
18 chapter may, if expressly authorized in such warrant by the  
19 judge ~~or magistrate issuing the same~~, be executed by being  
20 served either in the daytime or in the nighttime, as the  
21 exigencies of the occasion may demand or require.

22           Section 81. Section 933.101, Florida Statutes, is  
23 amended to read:

24           933.101 Service on Sunday.--A search warrant may be  
25 executed by being served on Sunday, if expressly authorized in  
26 such warrant by the judge ~~or magistrate issuing the same~~.

27           Section 82. Section 933.13, Florida Statutes, is  
28 amended to read:

29           933.13 Copy of inventory shall be delivered upon  
30 request.--The judge ~~or magistrate~~ to whom the warrant is  
31 returned, upon the request of any claimant or any person from

1 | whom said property is taken, or the officer who executed the  
2 | search warrant, shall deliver to said applicant a true copy of  
3 | the inventory of the property mentioned in the return on said  
4 | warrant.

5 |         Section 83. Subsections (1), (3), and (4) of section  
6 | 933.14, Florida Statutes, are amended to read:

7 |         933.14 Return of property taken under search  
8 | warrant.--

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

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

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

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



1 and certificates to the proper office where the proceedings  
2 are lodged.

3 Section 84. Section 939.02, Florida Statutes, is  
4 amended to read:

5 939.02 Costs before committing trial court judge  
6 ~~magistrate~~.--All costs accruing before a committing trial  
7 court judge ~~magistrate~~ shall be taxed against the defendant on  
8 conviction or estreat of recognizance.

9 Section 85. Section 939.14, Florida Statutes, is  
10 amended to read:

11 939.14 County not to pay costs in cases where  
12 information is not filed or indictment found.--When a  
13 committing trial court judge ~~magistrate~~ holds to bail or  
14 commits any person to answer a criminal charge in a county  
15 court or a circuit court, and an information is not filed nor  
16 an indictment found against such person, the costs of such  
17 committing trial shall not be paid by the county, except the  
18 costs for executing the warrant.

19 Section 86. Section 941.13, Florida Statutes, is  
20 amended to read:

21 941.13 Arrest prior to requisition.--Whenever any  
22 person within this state shall be charged on the oath of any  
23 credible person before any judge ~~or magistrate~~ of this state  
24 with the commission of any crime in any other state, and,  
25 except in cases arising under s. 941.06, with having fled from  
26 justice or with having been convicted of a crime in that state  
27 and having escaped from confinement, or having broken the  
28 terms of his or her bail, probation, or parole, or whenever  
29 complaint shall have been made before any judge ~~or magistrate~~  
30 in this state setting forth on the affidavit of any credible  
31 person in another state that a crime has been committed in

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

17 Section 87. Section 941.14, Florida Statutes, is  
18 amended to read:

19 941.14 Arrest without a warrant.--The arrest of a  
20 person may be lawfully made also by any peace officer or a  
21 private person, without a warrant upon reasonable information  
22 that the accused stands charged in the courts of a state with  
23 a crime punishable by death or imprisonment for a term  
24 exceeding 1 year, but when so arrested the accused must be  
25 taken before a judge ~~or magistrate~~ with all practicable speed  
26 and complaint must be made against the accused under oath  
27 setting forth the ground for the arrest as in the preceding  
28 section; and thereafter his or her answer shall be heard as if  
29 the accused had been arrested on a warrant.

30 Section 88. Section 941.15, Florida Statutes, is  
31 amended to read:

1           941.15 Commitment to await requisition; bail.--If from  
2 the examination before the judge ~~or magistrate~~ it appears that  
3 the person held is the person charged with having committed  
4 the crime alleged and, except in cases arising under s.  
5 941.06, that the person has fled from justice, the judge ~~or~~  
6 ~~magistrate~~ must, by a warrant reciting the accusation, commit  
7 the person to the county jail for such a time not exceeding 30  
8 days and specified in the warrant, as will enable the arrest  
9 of the accused to be made under a warrant of the Governor on a  
10 requisition of the executive authority of the state having  
11 jurisdiction of the offense, unless the accused gives ~~give~~  
12 bail as provided in s. 941.16 ~~the next section~~, or until the  
13 accused shall be legally discharged.

14           Section 89. Section 941.17, Florida Statutes, is  
15 amended to read:

16           941.17 Extension of time of commitment,  
17 adjournment.--If the accused is not arrested under warrant of  
18 the Governor by the expiration of the time specified in the  
19 warrant or bond, a judge ~~or magistrate~~ may discharge the  
20 accused or may recommit him or her for a further period not to  
21 exceed 60 days, or a judge ~~or magistrate~~ ~~judge~~ may again take  
22 bail for his or her appearance and surrender, as provided in  
23 s. 941.16, but within a period not to exceed 60 days after the  
24 date of such new bond.

25           Section 90. Section 941.18, Florida Statutes, is  
26 amended to read:

27           941.18 Forfeiture of bail.--If the prisoner is  
28 admitted to bail, and fails to appear and surrender himself or  
29 herself according to the conditions of his or her bond, the  
30 judge, ~~or magistrate by proper order~~, shall declare the bond  
31 forfeited and order his or her immediate arrest without

1 warrant if he or she is ~~be~~ within this state. Recovery may be  
2 had on such bond in the name of the state as in the case of  
3 other bonds given by the accused in criminal proceedings  
4 within this state.

5 Section 91. Subsection (2) of section 947.141, Florida  
6 Statutes, is amended to read:

7 947.141 Violations of conditional release, control  
8 release, or conditional medical release or addiction-recovery  
9 supervision.--

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

1 of release. Upon the issuance of the commission's warrant, the  
2 offender must continue to be held in custody pending a  
3 revocation hearing held in accordance with this section.

4 Section 92. Subsection (1) of section 948.06, Florida  
5 Statutes, is amended to read:

6 948.06 Violation of probation or community control;  
7 revocation; modification; continuance; failure to pay  
8 restitution or cost of supervision.--

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

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

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

20 Section 93. Paragraph (b) of subsection (4) of section  
21 985.05, Florida Statutes, is amended to read:

22 985.05 Court records.--

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

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

30 Section 94. Section 56.071, Florida Statutes, is  
31 amended to read:

1           56.071 Executions on equities of redemption; discovery  
2 of value.--On motion made by the party causing a levy to be  
3 made on an equity of redemption, the court from which the  
4 execution issued shall order the mortgagor, mortgagee, and all  
5 other persons interested in the mortgaged property levied on  
6 to appear and be examined about the amount remaining due on  
7 the mortgage, the amount that has been paid, the party to whom  
8 that amount has been paid, and the date when that amount was  
9 paid to whom and when paid so that the value of the equity of  
10 redemption may be ascertained before the property ~~it~~ is sold.  
11 The court may appoint a general or special magistrate ~~master~~  
12 to conduct the examination. This section shall also apply to  
13 the interest of and personal property in possession of a  
14 vendee under a retained title contract or conditional sales  
15 contract.

16           Section 95. Subsections (2), (7), and (10) of section  
17 56.29, Florida Statutes, are amended to read:

18           56.29 Proceedings supplementary.--

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

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

29           (10) Any person failing to obey any order issued under  
30 this section by a judge or general or special magistrate

31



1 ~~master~~ or failing to attend in response to a subpoena served  
2 on him or her may be held in contempt.

3 Section 96. Subsection (4) of section 61.1826, Florida  
4 Statutes, is amended to read:

5 61.1826 Procurement of services for State Disbursement  
6 Unit and the non-Title IV-D component of the State Case  
7 Registry; contracts and cooperative agreements; penalties;  
8 withholding payment.--

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

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

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

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

28 (d) All providers and subcontractors shall submit to  
29 the department directly, or through the Florida Association of  
30 Court Clerks, management reports in a format prescribed by the  
31 department.

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

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

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

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

27  
28 If either the department or the Florida Association of Court  
29 Clerks objects to a term of the standard cooperative agreement  
30 or contract specified in subsections (2) and (3), the disputed  
31 term or terms shall be presented jointly by the parties to the

1 Attorney General or the Attorney General's designee, who shall  
2 act as special magistrate master. The special magistrate  
3 ~~master~~ shall resolve the dispute in writing within 10 days.  
4 The resolution of a dispute by the special magistrate master  
5 is binding on the department and the Florida Association of  
6 Court Clerks.

7 Section 97. Section 64.061, Florida Statutes, is  
8 amended to read:

9 64.061 Partition of property; commissioners; special  
10 magistrate master.--

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

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

25 (3) EXCEPTIONS TO REPORT AND FINAL JUDGMENT.--Any  
26 party may file objections to the report of the commissioners  
27 within 10 days after it is served. If no objections are filed  
28 or if the court is satisfied on hearing any such objections  
29 that they are not well-founded, the report shall be confirmed,  
30 and a final judgment entered vesting in the parties the title  
31 to the parcels of the lands allotted to them respectively, and

1 giving each of them the possession of and quieting title to  
2 their respective shares as against the other parties to the  
3 action or those claiming through or under them.

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

14 Section 98. Subsection (5) of section 65.061, Florida  
15 Statutes, is amended to read:

16 65.061 Quieting title; additional remedy.--

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

22 Section 99. Section 69.051, Florida Statutes, is  
23 amended to read:

24 69.051 General and special magistrates ~~Masters in~~  
25 ~~chancery~~; compensation.--General and special magistrates  
26 appointed by the court ~~Masters in chancery~~ shall be allowed  
27 such compensation for any services as the court deems  
28 reasonable, including time consumed in legal research required  
29 in preparing and summarizing their findings of fact and law.

30 Section 100. Section 70.51, Florida Statutes, is  
31 amended to read:

1           70.51 Land use and environmental dispute resolution.--

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

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

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

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

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

29           (d) "Owner" means a person with a legal or equitable  
30 interest in real property who filed an application for a  
31 development permit for the property at the state, regional, or

1 local level and who received a development order, or who holds  
2 legal title to real property that is subject to an enforcement  
3 action of a governmental entity.

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

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

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

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

23 (4) To initiate a proceeding under this section, an  
24 owner must file a request for relief with the elected or  
25 appointed head of the governmental entity that issued the  
26 development order or orders, or that initiated the enforcement  
27 action. The head of the governmental entity may not charge  
28 the owner for the request for relief and must forward the  
29 request for relief to the special magistrate ~~master~~ who is  
30 mutually agreed upon by the owner and the governmental entity  
31 within 10 days after receipt of the request.

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

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

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

18           (6) The request for relief must contain:

19           (a) A brief statement of the owner's proposed use of  
20 the property.

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

25           (c) A brief statement of the impact of the development  
26 order or enforcement action on the ability of the owner to  
27 achieve the proposed use of the property.

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

30  
31

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

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

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

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



1 judicial review of a local government development order or  
2 enforcement action prior to initiating a proceeding under this  
3 section waives any right to a special magistrate ~~master~~  
4 proceeding.

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

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

27 (12) Within 21 days after receipt of the request for  
28 relief, any owner of land contiguous to the owner's property  
29 and any substantially affected person who submitted oral or  
30 written testimony, sworn or unsworn, of a substantive nature  
31 which stated with particularity objections to or support for

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

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

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

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

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

29 (16)(a) Fifteen days following the filing of a request  
30 for relief, the governmental entity that issued the  
31 development order or that is taking the enforcement action

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

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

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

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

29 (a) The first responsibility of the special magistrate  
30 ~~master~~ is to facilitate a resolution of the conflict between  
31 the owner and governmental entities to the end that some

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

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

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

25 (18) The circumstances to be examined in determining  
26 whether the development order or enforcement action, or the  
27 development order or enforcement action in conjunction with  
28 regulatory efforts of other governmental parties, is  
29 unreasonable or unfairly burdens use of the property may  
30 include, but are not limited to:

31

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

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

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

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

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

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

31

1 (g) Uses authorized for and restrictions placed on  
2 similar property.

3 (h) Any other information determined relevant by the  
4 special magistrate ~~master~~.

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

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

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

28 1. An adjustment of land development or permit  
29 standards or other provisions controlling the development or  
30 use of land.

31

- 1           2. Increases or modifications in the density,  
2 intensity, or use of areas of development.
- 3           3. The transfer of development rights.
- 4           4. Land swaps or exchanges.
- 5           5. Mitigation, including payments in lieu of onsite  
6 mitigation.
- 7           6. Location on the least sensitive portion of the  
8 property.
- 9           7. Conditioning the amount of development or use  
10 permitted.
- 11          8. A requirement that issues be addressed on a more  
12 comprehensive basis than a single proposed use or development.
- 13          9. Issuance of the development order, a variance,  
14 special exception, or other extraordinary relief, including  
15 withdrawal of the enforcement action.
- 16          10. Purchase of the real property, or an interest  
17 therein, by an appropriate governmental entity.
- 18          (c) This subsection does not prohibit the owner and  
19 governmental entity from entering in to an agreement as to the  
20 permissible use of the property prior to the special  
21 magistrate ~~master~~ entering a recommendation. An agreement for  
22 a permissible use must be incorporated in the special  
23 magistrate's ~~master's~~ recommendation.
- 24          (20) The special magistrate's ~~master's~~ recommendation  
25 is a public record under chapter 119. However, actions or  
26 statements of all participants to the special magistrate  
27 ~~master~~ proceeding are evidence of an offer to compromise and  
28 inadmissible in any proceeding, judicial or administrative.
- 29          (21) Within 45 days after receipt of the special  
30 magistrate's ~~master's~~ recommendation, the governmental entity  
31 responsible for the development order or enforcement action

1 and other governmental entities participating in the  
2 proceeding must consult among themselves and each governmental  
3 entity must:

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

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

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

27 (22) If a governmental entity accepts the special  
28 magistrate's ~~master's~~ recommendation or modifies it and the  
29 owner rejects the acceptance or modification, or if a  
30 governmental entity rejects the special magistrate's ~~master's~~  
31 recommendation, the governmental entity must issue a written



1 decision within 30 days that describes as specifically as  
2 possible the use or uses available to the subject real  
3 property.

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

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

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

31

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

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

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

25           (29) This section shall be liberally construed to  
26 effect fully its obvious purposes and intent, and governmental  
27 entities shall direct all available resources and authorities  
28 to effect fully the obvious purposes and intent of this  
29 section in resolving disputes. Governmental entities are  
30 encouraged to expedite notice and time-related provisions to  
31 implement resolution of disputes under this section. The

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

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

12 Section 101. Subsection (1) of section 92.142, Florida  
13 Statutes, is amended to read:

14 92.142 Witnesses; pay.--

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

27 Section 102. Section 112.41, Florida Statutes, is  
28 amended to read:

29 112.41 Contents of order of suspension; Senate select  
30 committee; special magistrate ~~examiner~~.--

31

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

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

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

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

17           Section 103. Section 112.43, Florida Statutes, is  
18 amended to read:

19           112.43 Prosecution of suspension before Senate.--All  
20 suspensions heard by the Senate, a select committee, or  
21 special magistrate ~~master, or examiner~~ in accordance with  
22 rules of the Senate shall be prosecuted by the Governor, the  
23 Governor's legal staff, or an attorney designated by the  
24 Governor. Should the Senate, or the select committee  
25 appointed by the Senate to hear the evidence and to make  
26 recommendations, desire private counsel, either the Senate or  
27 the select committee shall be entitled to employ its own  
28 counsel for this purpose. Nothing herein shall prevent the  
29 Senate or its select committee from making its own  
30 investigation and presenting such evidence as its  
31 investigation may reveal. The Governor may request the advice

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

11 Section 104. Section 112.47, Florida Statutes, is  
12 amended to read:

13 112.47 Hearing before Senate select committee;  
14 notice.--The Senate shall afford each suspended official a  
15 hearing before a select committee or special magistrate,  
16 ~~master, or examiner,~~ and shall notify such suspended official  
17 of the time and place of the hearing sufficiently in advance  
18 thereof to afford such official an opportunity fully and  
19 adequately to prepare such defenses as the official may be  
20 advised are necessary and proper, and all such defenses may be  
21 presented by the official or by the official's attorney. In  
22 the furtherance of this provision the Senate shall adopt  
23 sufficient procedural rules to afford due process both to the  
24 Governor in the presentation of his or her evidence and to the  
25 suspended official, but in the absence of such adoption, this  
26 section shall afford a full and complete hearing, public in  
27 nature, as required by the State Constitution. However,  
28 nothing in this part shall prevent either the select committee  
29 or the Senate from conducting portions of the hearing in  
30 executive session if the Senate rules so provide.

31

1           Section 105. Subsection (2) of section 162.03, Florida  
2 Statutes, is amended to read:

3           162.03 Applicability.--

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

15           Section 106. Subsection (5) of section 162.06, Florida  
16 Statutes, is amended to read:

17           162.06 Enforcement procedure.--

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

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

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

28           (c) Disclose, in writing, to the prospective  
29 transferee that the new owner will be responsible for  
30 compliance with the applicable code and with orders issued in  
31 the code enforcement proceeding.

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

5  
6 A failure to make the disclosures described in paragraphs (a),  
7 (b), and (c) before the transfer creates a rebuttable  
8 presumption of fraud. If the property is transferred before  
9 the hearing, the proceeding shall not be dismissed, but the  
10 new owner shall be provided a reasonable period of time to  
11 correct the violation before the hearing is held.

12 Section 107. Paragraph (d) of subsection (2) of  
13 section 162.09, Florida Statutes, is amended to read:

14 162.09 Administrative fines; costs of repair; liens.--

15 (2)

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

1 considered by the code enforcement board or special magistrate  
2 ~~master~~ in determining the amount of the fines, including, but  
3 not limited to, those factors set forth in paragraph (b).

4 Section 108. Section 173.09, Florida Statutes, is  
5 amended to read:

6 173.09 Judgment for complainant; special magistrate's  
7 ~~master's~~ sale; complainant may purchase and later sell.--

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

26 (2) Such sales shall be subject to confirmation by the  
27 court, and the said special magistrate ~~master~~ shall, upon  
28 confirmation of the sale or sales, deliver to the purchaser or  
29 purchasers at said sale a deed of conveyance of the property  
30 so sold; provided, however, that in any case where any lands  
31 are offered for sale by the special magistrate ~~master~~ and the



1 sum of the tax, tax certificates and special assessments,  
2 interest, penalty, costs, and attorney's fee is not bid for  
3 the same, the complainant may bid the whole amount due and the  
4 special magistrate ~~master~~ shall thereupon convey such parcel  
5 or parcels of land to the complainant.

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

13 Section 109. Section 173.10, Florida Statutes, is  
14 amended to read:

15 173.10 Judgment for complainant; court may order  
16 payment of other taxes or sale subject to taxes; special  
17 magistrate's ~~master's~~ conveyances.--

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

27 (2) Any and all conveyances by the special magistrate  
28 ~~master~~ shall vest in the purchaser the fee simple title to the  
29 property so sold, subject only to such liens for state and  
30 county taxes or taxing districts whose liens are of equal  
31 dignity, and liens for municipal taxes and special

1 assessments, or installments thereof, as are not directed by  
2 the decree of sale to be paid out of the proceeds of said  
3 sale.

4 Section 110. Section 173.11, Florida Statutes, is  
5 amended to read:

6 173.11 Distribution of proceeds of sale.--The proceeds  
7 of any foreclosure sale authorized by this chapter shall be  
8 distributed by the special magistrate ~~master~~ conducting the  
9 sale according to the final decree, and if any surplus remains  
10 after the payment of the full amount of the decree, costs and  
11 attorney's fees, and any subsequent tax liens that ~~which~~ may  
12 be directed by such decree to be paid from the proceeds of  
13 sale, such surplus shall be deposited with the clerk of the  
14 court and disbursed under order of the court.

15 Section 111. Section 173.12, Florida Statutes, is  
16 amended to read:

17 173.12 Lands may be redeemed prior to sale.--Any  
18 person interested in any lands included in the suit may redeem  
19 such lands at any time prior to the sale thereof by the  
20 special magistrate ~~master~~ by paying into the registry of the  
21 court the amount due for delinquent taxes, interest and  
22 penalties thereon, and such proportionate part of the expense,  
23 attorney's fees, and costs of suit as may have been fixed by  
24 the court in its decree of sale, or by written stipulation of  
25 complainant, and thereupon such lands shall be dismissed from  
26 the cause.

27 Section 112. Subsection (1) of section 194.013,  
28 Florida Statutes, is amended to read:

29 194.013 Filing fees for petitions; disposition;  
30 waiver.--

31

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

19           Section 113. Paragraph (d) of subsection (1) and  
20 subsections (2) and (6) of section 194.034, Florida Statutes,  
21 are amended to read:

22           194.034 Hearing procedures; rules.--

23           (1)

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

31

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

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

23           Section 114. Section 194.035, Florida Statutes, is  
24 amended to read:

25           194.035 Special magistrates ~~masters~~; property  
26 evaluators.--

27           (1) In counties having a population of more than  
28 75,000, the board shall appoint special magistrates ~~masters~~  
29 for the purpose of taking testimony and making recommendations  
30 to the board, which recommendations the board may act upon  
31 without further hearing. These ~~Such~~ special magistrates

1 ~~masters~~ may not be elected or appointed officials or employees  
2 of the county but shall be selected from a list of those  
3 qualified individuals who are willing to serve as special  
4 magistrates ~~masters~~. Employees and elected or appointed  
5 officials of a taxing jurisdiction or of the state may not  
6 serve as special magistrates ~~masters~~. The clerk of the board  
7 shall annually notify such individuals or their professional  
8 associations to make known to them that opportunities to serve  
9 as special magistrates ~~masters~~ exist. The Department of  
10 Revenue shall provide a list of qualified special magistrates  
11 ~~masters~~ to any county with a population of 75,000 or less.  
12 Subject to appropriation, the department shall reimburse  
13 counties with a population of 75,000 or less for payments made  
14 to special magistrates ~~masters~~ appointed for the purpose of  
15 taking testimony and making recommendations to the value  
16 adjustment board pursuant to this section. The department  
17 shall establish a reasonable range for payments per case to  
18 special magistrates ~~masters~~ based on such payments in other  
19 counties. Requests for reimbursement of payments outside this  
20 range shall be justified by the county. If the total of all  
21 requests for reimbursement in any year exceeds the amount  
22 available pursuant to this section, payments to all counties  
23 shall be prorated accordingly. A special magistrate ~~master~~  
24 appointed to hear issues of exemptions and classifications  
25 shall be a member of The Florida Bar with no less than 5  
26 years' experience in the area of ad valorem taxation. A  
27 special magistrate ~~master~~ appointed to hear issues regarding  
28 the valuation of real estate shall be a state certified real  
29 estate appraiser with not less than 5 years' experience in  
30 real property valuation. A special magistrate ~~master~~ appointed  
31 to hear issues regarding the valuation of tangible personal

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

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

22 Section 115. Section 206.16, Florida Statutes, is  
23 amended to read:

24 206.16 Officer selling property.--

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

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

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

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

4 (d) The nature of the property and the location of the  
5 same.

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

16 Section 116. Section 207.016, Florida Statutes, is  
17 amended to read:

18 207.016 Officer's sale of property or franchise.--

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

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

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

28 (c) The time and place of sale.

29 (d) The nature of the property and the location of the  
30 same.

31

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

11           Section 117. Section 320.411, Florida Statutes, is  
12 amended to read:

13           320.411 Officer's sale of property or franchise.--

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

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

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

23           (c) The time and place of sale.

24           (d) The nature of the property and the location of the  
25 same.

26           (2) The department, after receiving notice as provided  
27 in subsection (1), shall furnish to the sheriff, receiver,  
28 trustee, assignee, general or special magistrate ~~master~~, or  
29 other officer having charge of the sale a certified copy of  
30 all taxes, penalties, and interest on file in the office of  
31 the department as liens against such motor carrier and, in the



1 event there are no such liens, a certificate showing that  
2 fact, which certified copy or copies of certificate shall be  
3 publicly read by such officer at and immediately before the  
4 sale of the property or franchise of such motor carrier.

5 Section 118. Subsection (7) of section 393.11, Florida  
6 Statutes, is amended to read:

7 393.11 Involuntary admission to residential  
8 services.--

9 (7) HEARING.--

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

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

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

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

30 (e) The person shall have the right to present  
31 evidence and to cross-examine all witnesses and other evidence

1 alleging the appropriateness of the person's admission to  
2 residential care. Other relevant and material evidence  
3 regarding the appropriateness of the person's admission to  
4 residential services; the most appropriate, least restrictive  
5 residential placement; and the appropriate care, treatment,  
6 and habilitation of the person, including written or oral  
7 reports, may be introduced at the hearing by any interested  
8 person.

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

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

19 (h) All stages of each proceeding shall be  
20 stenographically reported.

21 Section 119. Subsections (6) and (7) of section  
22 394.467, Florida Statutes, are amended to read:

23 394.467 Involuntary placement.--

24 (6) HEARING ON INVOLUNTARY PLACEMENT.--

25 (a)1. The court shall hold the hearing on involuntary  
26 placement within 5 days, unless a continuance is granted. The  
27 hearing shall be held in the county where the patient is  
28 located and shall be as convenient to the patient as may be  
29 consistent with orderly procedure and shall be conducted in  
30 physical settings not likely to be injurious to the patient's  
31 condition. If the court finds that the patient's attendance

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

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

21           (b) If the court concludes that the patient meets the  
22 criteria for involuntary placement, it shall order that the  
23 patient be transferred to a treatment facility or, if the  
24 patient is at a treatment facility, that the patient be  
25 retained there or be treated at any other appropriate  
26 receiving or treatment facility, or that the patient receive  
27 services from a receiving or treatment facility, on an  
28 involuntary basis, for a period of up to 6 months. The order  
29 shall specify the nature and extent of the patient's mental  
30 illness. The facility shall discharge a patient any time the  
31 patient no longer meets the criteria for involuntary

1 placement, unless the patient has transferred to voluntary  
2 status.

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

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

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

30 (7) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.--  
31

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

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

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

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

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

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

24 Section 120. Subsection (7) of section 397.311,  
25 Florida Statutes, is amended to read:

26 397.311 Definitions.--As used in this chapter, except  
27 part VIII:

28 (7) "Court" means, with respect to all involuntary  
29 proceedings under this chapter, the circuit court of the  
30 county in which the judicial proceeding is pending or where  
31 the substance abuse impaired person resides or is located, and

1 includes any general or special magistrate ~~master~~ that may be  
2 appointed by the chief judge to preside over all or part of  
3 such proceeding. Otherwise, "court" refers to the court of  
4 legal jurisdiction in the context in which the term is used in  
5 this chapter.

6 Section 121. Subsection (1) of section 397.681,  
7 Florida Statutes, is amended to read:

8 397.681 Involuntary petitions; general provisions;  
9 court jurisdiction and right to counsel.--

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

18 Section 122. Subsection (5) of section 447.207,  
19 Florida Statutes, is amended to read:

20 447.207 Commission; powers and duties.--

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

28 Section 123. Subsections (2), (3), and (4) of section  
29 447.403, Florida Statutes, are amended to read:

30 447.403 Resolution of impasses.--

31

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

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

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



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

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

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

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

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

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

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 124. 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  
31

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 125. 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 126. 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 127. 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 128. 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 129. 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 130. 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 131. 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 132. 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 133. 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 134. 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 135. 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 136. 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 137. 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.

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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 138. 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 139. 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 140. 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 141. 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 142. 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 143. 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 144. 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 145. 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 146. 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 147. Except as otherwise expressly provided in  
8 this act, this act shall take effect May 1, 2004.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 CS for SB 1492

4 The Committee Substitute deletes proposed amendments to s.  
5 27.3455, F.S., that would have redirected the Local Criminal  
6 Justice Trust Fund revenues collected pursuant to s.  
7 938.05, F.S., to the State General Revenue Fund, the state  
8 attorneys, public defenders, and the Court Education Trust  
9 Fund.

10 Amends s. 25.384, F.S., relating to the Court Education Trust  
11 Fund, to expand the use of the fund to any programs and  
12 activities that would improve the judicial branch.

13 Revises the distribution of funds from liens for payment of  
14 attorney's fees or costs pursuant to s. 938.29, F.S., and  
15 deposits such funds in the Indigent Criminal Defense Trust  
16 Fund for the public defenders.

17 Amends s. 28.24, F.S., to require the clerks to provide copies  
18 of public records at no charge to judges, state attorneys, and  
19 public defenders.

20 Deletes ss. 28.24(1) and (2), F.S., authorizing per day  
21 charges for court attendance of the clerk or deputy clerk and  
22 charges for court minutes.

23 Removes proposed increases to the charges authorized in ss.  
24 28.24(7) and (23), F.S., for reporting juror and witness  
25 payrolls to the Chief Financial Officer.

26 Deletes s. 28.24(22), F.S., authorizing the clerk of the  
27 circuit court to assess a service charge for issuing juror  
28 summons.

29 Revises ss. 28.241(1) and 28.2401(3), F.S. to increase the  
30 portion of the circuit civil filing fee deposited in the Court  
31 Education Trust Fund from \$2.50 to \$4.

Requires the proposed Clerk of Court Operations Conference to  
approve budgets for the clerks of the circuit court and limits  
the increase allowed in such budgets to the greater of a 3  
percent increase per year or the percent increase in projected  
revenues.

Restores the \$1 additional filing fee on circuit and county  
court proceedings authorized in s. 44.108, F.S., to fund  
mediation and arbitration services in the courts.

Revises the Local Government Half-Cent Sales Tax and Revenue  
Sharing Trust Fund distributions in s. 212.20, F.S., to hold  
municipalities harmless from the reduction in the growth of  
those revenues.

Deletes language in s. 744.3678, F.S., requiring the clerks to  
charge counties for the cost of auditing the annual financial  
return for a ward's estate when the fee charged to the  
guardian is waived by the court.

1 Reduces the proposed court cost on criminal convictions from  
2 \$125 to \$25 and directs all of the revenue to the state  
3 General Revenue Fund instead of to both the state and the  
4 clerks.  
5 Removes proposed revisions to s.938.05, F.S., that  
6 redistributed Local Government Criminal Justice Trust Fund  
7 revenues to the state, state attorneys, public defenders and  
8 Court Education Trust Fund.  
9 Amends s. 938.07, F.S., effective July 1, 2003, to increase  
10 the court cost for driving or boating under the influence from  
11 \$135 to \$200. The additional \$65 will fund Level 2 trauma  
12 centers.  
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