

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 27.3455, F.S.; modifying county revenue and
6 expenditure reporting requirements; eliminating
7 the allocation priorities of funds collected
8 pursuant to s. 938.05(1), F.S.; amending s.
9 27.562, F.S.; providing for disposition of
10 funds; amending s. 28.101, F.S.; increasing the
11 service charge for filing for dissolution of
12 marriage; transferring, renumbering, and
13 amending s. 43.195, F.S.; authorizing a clerk
14 to dispose of items of physical evidence in
15 cases where no collateral attack is pending;
16 amending s. 28.24, F.S.; prohibiting the clerk
17 of the court from charging court officials for
18 copies of public records; modifying the service
19 charges for services rendered by the clerk of
20 the court in recording documents and
21 instruments and in performing certain other
22 duties; eliminating the charge for issuing jury
23 summons; amending s. 28.241, F.S.; increasing
24 the service charge for filing a civil action in
25 circuit court; requiring that a portion of the
26 charge be remitted to the General Revenue Fund
27 and to the Court Education Trust Fund;
28 requiring that a portion of the charge be
29 remitted to the Clerk of the Court Operations
30 Conference Operating Fund and the Clerk of the
31 Court Operations Conference Contingency Fund;

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

1 court; providing for a clerk education program;
2 requiring a recommendation for a statewide case
3 information system; requiring the Florida
4 Association of Court Clerks to establish a
5 depository for funds to pay for the operation
6 of the Clerk of Court Operations Conference and
7 for payments if a clerk's expenditures exceed
8 revenues; creating s. 28.36, F.S.; requiring
9 the clerks of the circuit court to provide a
10 balanced budget to the Clerk of Court
11 Operations Conference; requiring a special
12 budget for a specified period; authorizing
13 clerks to maintain a reserve; limiting the
14 annual increase in the budget for the clerks of
15 the circuit court; creating s. 28.37, F.S.;
16 providing for revenues collected by the clerk
17 in excess of a certain amount to be remitted to
18 the state to pay the costs of the state court
19 system; requiring the Department of Revenue to
20 adopt rules; creating subsection (3) of section
21 29.008, F.S.; providing that counties may
22 continue to fund legal aid programs as a local
23 requirement with funds approved by the board of
24 county commissioners; amending s. 34.032, F.S.;
25 requiring that certain functions of the deputy
26 clerk of the court be funded by the county;
27 amending s. 34.041, F.S.; increasing the
28 initial filing fees for instituting various
29 civil actions; providing for distribution of
30 the proceeds of the filing fees; prohibiting
31 counties from assessing additional service

1 charges or fees; deleting provisions
2 authorizing the judge to waive the service
3 charge for a civil action; requiring counties
4 and municipalities to pay a service charge for
5 instituting an appellate proceeding; deleting a
6 service charge assessed against plaintiffs;
7 amending s. 34.191, F.S.; requiring that
8 certain fines and forfeitures be remitted to
9 the clerk of the court rather than the county;
10 authorizing the clerk rather than the board of
11 county commissioners to assign the collection
12 of charges and fines to a private attorney or
13 collection agency; amending s. 44.108, F.S.;
14 deleting provisions authorizing a county to
15 levy service charges for court mediation and
16 arbitration; assessing a filing fee on court
17 proceedings; depositing fees in the Mediation
18 and Arbitration Trust Fund; amending s. 55.505,
19 F.S.; increasing the service charge for
20 recording a foreign judgment; amending s.
21 55.10, F.S.; increasing the fee for serving a
22 certificate of lien; creating s. 55.312, F.S.;
23 imposing a service charge on certain money
24 judgments and settlement agreements in excess
25 of a specified amount, except for dissolution
26 of marriage and breaches of contract; requiring
27 proceeds of the charge to be used to pay court
28 costs; providing for the service charge to be
29 paid by any party or allocated to more than one
30 party; requiring the Department of Revenue to
31 adopt rules to provide for remitting such

1 charge to the department for deposit into the
2 General Revenue Fund; prohibiting an attorney
3 from disbursing certain proceeds until service
4 charge is paid; providing a penalty for failure
5 to pay the service charge; requiring the
6 Department of Revenue to report to the
7 Legislature each year on the amount received in
8 the prior calendar year; amending s. 61.14,
9 F.S.; increasing certain fees assessed for
10 delinquency of child support and alimony;
11 amending s. 61.181, F.S.; continuing the fee
12 imposed on certain payments of alimony and
13 child support; amending s. 142.01, F.S.;
14 providing for the clerk of the court to
15 establish a fine and forfeiture fund in each
16 county to be used to pay the costs of
17 court-related functions; deleting provisions
18 authorizing counties to receive funds to pay
19 the cost of criminal prosecutions and transfer
20 excess funds to the county general fund;
21 amending s. 142.02, F.S.; limiting the use of
22 county funds from a levy of a special tax to
23 pay for the cost of criminal prosecutions;
24 amending s. 142.03, F.S.; requiring that fines
25 and forfeitures be used to pay the costs of
26 court-related functions; amending s. 142.15,
27 F.S.; requiring that fees collected by the
28 sheriff be remitted to the clerk in the county
29 where the crime was alleged to have been
30 committed; amending s. 142.16, F.S.; requiring
31 that fines and forfeitures be remitted to the

1 clerk in the county in which the case was
2 adjudicated; amending s. 145.022; prohibiting a
3 county from appropriating a salary to the clerk
4 of the court based on the fees collected;
5 amending s. 212.20, F.S.; revising the
6 distribution of the proceeds from certain
7 local-option taxes; amending s. 218.21, F.S.;
8 revising the guaranteed entitlement of
9 municipalities to certain state revenue
10 sharing; amending s. 218.35, F.S.; deleting
11 provisions requiring the clerk of the court to
12 file a budget with the state court
13 administrator and the board of county
14 commissioners; amending s. 318.15, F.S.;
15 increasing various fees for persons failing to
16 comply with civil penalties, attend driver
17 improvement school, or appear at a hearing;
18 amending s. 318.18, F.S.; increasing various
19 fees for penalties for noncriminal
20 dispositions; creating additional charges and
21 fees to be paid to the clerk of the court;
22 increasing the fee to dismiss citations and the
23 administrative fee for cases in which
24 adjudication is withheld; amending s. 318.21,
25 F.S.; increasing the portion of civil penalties
26 which are paid to the clerk of the court;
27 amending s. 322.245, F.S.; increasing the
28 delinquency fee for persons charged with
29 specified criminal offenses who fail to comply
30 with the directives of the court; amending s.
31 327.73, F.S.; increasing the charge for court

1 costs for failure to comply with the court's
2 requirements or failure to pay specified civil
3 penalties; amending s. 382.023, F.S.;
4 increasing the fee for dissolution of marriage;
5 increasing the portion to be retained by the
6 circuit court and the portion remitted to the
7 state; amending s. 713.24, F.S.; increasing the
8 fee for certain services performed by the clerk
9 of the court in transferring liens; adding
10 subsection (3) to s. 721.83, F.S.; providing
11 that filing fees and service charges shall be
12 paid separately for each defendant in a
13 consolidated foreclosure action; amending s.
14 744.3135, F.S.; increasing the fee paid to the
15 clerk of the court for processing guardian
16 files; amending s. 744.365, F.S.; increasing
17 the fee paid to the clerk of the court for an
18 inventory filed by a guardian; deleting
19 provisions requiring that the county pay the
20 auditing fee when such fee is waived by the
21 court; amending s. 744.3678, F.S.; increasing
22 the fees paid by the guardian to the clerk of
23 the court for filing an annual financial
24 return; prohibiting the clerk of the circuit
25 court from billing the county for a waived fee;
26 amending s. 775.083, F.S.; deleting provisions
27 authorizing counties to impose and collect
28 additional fines to be used to pay for local
29 crime prevention programs; providing for the
30 disposition of fines and costs; creating s.
31 921.26, F.S.; requiring that certain court

1 costs be collected before any other court cost;
2 creating s. 938.02, F.S.; imposing a court cost
3 against persons who plead guilty or nolo
4 contendere, or who are convicted of any felony,
5 misdemeanor, or criminal traffic offense;
6 prohibiting the court from waiving the court
7 cost; authorizing the collection of unpaid
8 court costs from any moneys or accounts of
9 incarcerated persons; requiring all other court
10 costs to be remitted to the Department of
11 Revenue for deposit in the General Revenue
12 Fund; amending s. 938.05, F.S.; directing court
13 costs to be deposited in the clerk of the
14 courts fine and forfeiture fund instead of the
15 county trust fund; amending s. 938.07, F.S.;
16 amending s. 938.35, F.S.; authorizing the clerk
17 of the court, rather than the county, to
18 collect fines, court costs, and other charges
19 through a private attorney or collection agent;
20 amending ss. 26.012, 27.06, 34.01, 48.20,
21 316.635, 373.603, 381.0012, 450.121, 560.306,
22 633.14, 648.44, 817.482, 828.122, 832.05,
23 876.42, 893.12, 901.01, 901.02, 901.07, 901.08,
24 901.09, 901.11, 901.12, 901.25, 902.15, 902.17,
25 902.20, 902.21, 903.03, 903.32, 903.34, 914.22,
26 923.01, 933.01, 933.06, 933.07, 933.10,
27 933.101, 933.13, 933.14, 939.02, 939.14,
28 941.13, 941.14, 941.15, 941.17, 941.18,
29 947.141, 948.06, 985.05, F.S., relating to
30 various court procedures; redesignating
31 "magistrates" as "trial court judges"; amending

1 ss. 56.071, 56.29, 61.1826, 64.061, 65.061,
2 69.051, 70.51, 92.142, 112.41, 112.43, 112.47,
3 162.03, 162.06, 162.09, 173.09, 173.10, 173.11,
4 173.12, 194.013, 194.034, 194.035, 206.16,
5 207.016, 320.411, 393.11, 394.467, 397.311,
6 397.681, 447.207, 447.403, 447.405, 447.407,
7 447.409, 475.011, 489.127, 489.531, 496.420,
8 501.207, 501.618, 559.936, 582.23, 631.182,
9 631.331, 633.052, 744.369, 760.11, 837.011,
10 838.014, 839.17, 916.107, 938.30, 945.43, F.S.,
11 relating to various administrative and judicial
12 proceedings; redesignating "masters" and
13 "general or special masters" as "general or
14 special magistrates"; amending s. 218.25, F.S.;
15 allowing a county to assign, pledge, or set
16 aside certain funds as a trust for payment on
17 indebtedness; repealing ss. 142.04, 142.05,
18 142.06, 142.07, 142.08, 142.09, 142.10, 142.11,
19 142.12, 142.13, and 939.18, F.S., relating to
20 compensation to witnesses and others from the
21 fine and forfeiture fund and the imposition of
22 additional court costs used by the county in
23 paying for court facilities; providing
24 effective dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Effective July 1, 2004, subsection (2) of
29 section 25.384, Florida Statutes, is amended to read:

30 25.384 Court Education Trust Fund.--
31

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

11 (b) The Supreme Court, through its Florida Court
12 Educational Council, shall adopt a comprehensive plan for the
13 operation of the trust fund and the expenditure of the moneys
14 deposited in the trust fund. The plan shall provide for
15 travel, per diem, tuition, educational materials, ~~and~~ other
16 related costs incurred for educational programs, in and out of
17 state, and all costs of those programs and activities
18 identified in paragraph (a), which will be of benefit to the
19 judicial branch ~~judiciary~~ of the state.

20 Section 2. Effective July 1, 2004, section 27.3455,
21 Florida Statutes, is amended to read:

22 27.3455 Annual statement of certain revenues and
23 expenditures.--

24 (1) Each county shall submit annually to the Chief
25 Financial Officer ~~Comptroller~~ a statement of revenues and
26 expenditures as set forth in this section in the form and
27 manner prescribed by the Chief Financial Officer ~~Comptroller~~
28 in consultation with the Legislative Committee on
29 Intergovernmental Relations, provided that such statement
30 identify total county expenditures on+

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

- 1 ~~(b) County victim witness programs.~~
- 2 ~~(c) each Each of the services outlined in s. 29.008.~~
- 3 ~~ss. 27.34(2) and 27.54(3).~~
- 4 ~~(d) Appellate filing fees in criminal cases in which~~
- 5 ~~an indigent defendant appeals a judgment of a county or~~
- 6 ~~circuit court to a district court of appeal or the Florida~~
- 7 ~~Supreme Court.~~
- 8 ~~(e) Other court-related costs of the state attorney~~
- 9 ~~and public defender that were paid by the county where such~~
- 10 ~~costs were included in a judgment or order rendered by the~~
- 11 ~~trial court against the county.~~
- 12
- 13 ~~Such statement also shall identify the revenues provided by s.~~
- 14 ~~938.05(1) that were used to meet or reimburse the county for~~
- 15 ~~such expenditures.~~
- 16 (2)(a) Within 6 months of the close of the local
- 17 government fiscal year, each county shall submit to the Chief
- 18 Financial Officer ~~Comptroller~~ a statement of compliance from
- 19 its independent certified public accountant, engaged pursuant
- 20 to s. 218.39, that the certified statement of expenditures was
- 21 in accordance with s. 29.008 ~~ss. 27.34(2), 27.54(3),~~ and this
- 22 section. All discrepancies noted by the independent certified
- 23 public accountant shall be included in the statement furnished
- 24 by the county to the Chief Financial Officer ~~Comptroller~~.
- 25 (b) Should the Comptroller determine that additional
- 26 auditing procedures are appropriate because:
- 27 1. The county failed to submit timely its annual
- 28 statement;
- 29 2. Discrepancies were noted by the independent
- 30 certified public accountant; or
- 31

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

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

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

15 ~~(a) Reimbursement to the county for actual county~~
16 ~~expenditures incurred in providing the state attorney and~~
17 ~~public defender the services outlined in ss. 27.34(2) and~~
18 ~~27.54(3), with the exception of office space, utilities, and~~
19 ~~custodial services.~~

20 ~~(b) At the close of the local government fiscal year,~~
21 ~~funds remaining on deposit in the special trust fund of the~~
22 ~~county after reimbursements have been made pursuant to~~
23 ~~paragraph (a) shall be reimbursed to the county for actual~~
24 ~~county expenditures made in support of the operations and~~
25 ~~services of medical examiners, including the costs associated~~
26 ~~with the investigation of state prison inmate deaths. Special~~
27 ~~county trust fund revenues used to reimburse the county for~~
28 ~~medical examiner expenditures in any year shall not exceed \$1~~
29 ~~per county resident.~~

30 ~~(c) At the close of the local government fiscal year,~~
31 ~~counties establishing or having in existence a comprehensive~~

1 ~~victim-witness program which meets the standards set by the~~
2 ~~Crime Victims' Services Office shall be eligible to receive 50~~
3 ~~percent matching moneys from the balance remaining in the~~
4 ~~special trust fund after reimbursements have been made~~
5 ~~pursuant to paragraphs (a) and (b). Special trust fund moneys~~
6 ~~used in any year to supplement such programs shall not exceed~~
7 ~~25 cents per county resident.~~

8 ~~(d) At the close of the local government fiscal year,~~
9 ~~funds remaining in the special trust fund after reimbursements~~
10 ~~have been made pursuant to paragraphs (a), (b), and (c) shall~~
11 ~~be used to reimburse the county for county costs incurred in~~
12 ~~the provision of office space, utilities, and custodial~~
13 ~~services to the state attorney and public defender, for county~~
14 ~~expenditures on appellate filing fees in criminal cases in~~
15 ~~which an indigent defendant appeals a judgment of a county or~~
16 ~~circuit court to a district court of appeal or the Florida~~
17 ~~Supreme Court, and for county expenditures on court-related~~
18 ~~costs of the state attorney and public defender that were paid~~
19 ~~by the county, provided that such court-related costs were~~
20 ~~included in a judgment or order rendered by the trial court~~
21 ~~against the county. Where a state attorney or a public~~
22 ~~defender is provided space in a county-owned facility,~~
23 ~~responsibility for calculating county costs associated with~~
24 ~~the provision of such office space, utilities, and custodial~~
25 ~~services is hereby vested in the Comptroller in consultation~~
26 ~~with the Legislative Committee on Intergovernmental Relations.~~

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

1 (3)(5) The Chief Financial Officer ~~Comptroller~~ shall
2 adopt any rules necessary to implement his or her
3 responsibilities pursuant to this section.

4 Section 3. Effective July 1, 2004, section 27.562,
5 Florida Statutes, is amended to read:

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

17 Section 4. Subsection (2) of section 28.101, Florida
18 Statutes, is amended to read:

19 28.101 Petitions and records of dissolution of
20 marriage; additional charges.--

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

27 Section 5. Section 43.195, Florida Statutes, is
28 renumbered as section 28.213, Florida Statutes, and amended to
29 read:

30 28.213 ~~43.195~~ Disposal of physical evidence filed as
31 exhibits.--The clerk of any circuit court or county court may

1 dispose of items of physical evidence which have been held as
 2 exhibits in excess of 3 years in cases on which no appeal, or
 3 collateral attack, is pending or can be made. Items of
 4 evidence having no monetary value which are designated by the
 5 clerk for removal shall be disposed of as unusable refuse.
 6 Items of evidence having a monetary value which are designated
 7 for removal by the clerk shall be sold and the revenue placed
 8 in the clerk's general revenue fund.

9 Section 6. Section 28.24, Florida Statutes, is amended
 10 to read:

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

27
 28 Charges

29
 30 (1) ~~For court attendance by each clerk or deputy~~
 31 ~~clerk, per day~~\$75.00

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

1 (9)~~(11)~~ For writing any paper other than herein
2 specifically mentioned, same as for copying, including signing
3 and sealing.....6.00 ~~4.00~~
4 (10)~~(12)~~ For indexing each entry not recorded....1.00
5 (11)~~(13)~~ For receiving money into the registry of
6 court:
7 (a)1. First \$500, percent.....3 ~~2~~
8 2. Each subsequent \$100, percent.....1.5 ~~±~~
9 (b) Eminent domain actions, per deposit.....\$150.00
10 ~~\$100.00~~
11 (12)~~(14)~~ For examining, certifying, and recording
12 plats and for recording condominium exhibits larger than 14
13 inches by 8 1/2 inches:
14 (a) First page.....30.00
15 (b) Each additional page.....15.00
16 (13)~~(15)~~ For recording, indexing, and filing any
17 instrument not more than 14 inches by 8 1/2 inches, including
18 required notice to property appraiser where applicable:
19 (a) First page or fraction thereof.....5.00
20 (b) Each additional page or fraction thereof.....4.00
21 (c) For indexing instruments recorded in the official
22 records which contain more than four names, per additional
23 name.....1.00
24 (d) An additional service charge shall be paid to the
25 clerk of the circuit court to be deposited in the Public
26 Records Modernization Trust Fund for each instrument listed in
27 s. 28.222, except judgments received from the courts and
28 notices of lis pendens, recorded in the official records:
29 1. First page.....1.00
30 2. Each additional page.....0.50
31

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

1 the system has been upgraded since the creation of the trust
 2 fund.
 3 (14)~~(16)~~ Oath, administering, attesting, and sealing,
 4 not otherwise provided for herein.....3.00 ~~2.00~~
 5 (15)~~(17)~~ For validating certificates, any authorized
 6 bonds, each.....3.00 ~~2.00~~
 7 (16)~~(18)~~ For preparing affidavit of domicile.....5.00
 8 (17)~~(19)~~ For exemplified certificates, including
 9 signing and sealing.....6.00 ~~4.00~~
 10 (18)~~(20)~~ For authenticated certificates, including
 11 signing and sealing.....6.00 ~~4.00~~
 12 (19)~~(21)~~(a) For issuing and filing a subpoena for a
 13 witness, not otherwise provided for herein (includes writing,
 14 preparing, signing, and sealing).....6.00 ~~4.00~~
 15 (b) For signing and sealing only.....1.50 ~~1.00~~
 16 ~~(22) For issuing venire facias (includes writing,~~
 17 ~~preparing, signing, and sealing).....5.00~~
 18 (20)~~(23)~~ For paying of witnesses and making and
 19 reporting payroll to State Comptroller, per copy, per page
 205.00
 21 (21)~~(24)~~ For approving bond.....7.50 ~~5.00~~
 22 (22)~~(25)~~ For searching of records, for each year's
 23 search.....1.50 ~~1.00~~
 24 (23)~~(26)~~ For processing an application for a tax deed
 25 sale (includes application, sale, issuance, and preparation of
 26 tax deed, and disbursement of proceeds of sale), other than
 27 excess proceeds.....60.00
 28 (24)~~(27)~~ For disbursement of excess proceeds of tax
 29 deed sale, first \$100 or fraction thereof.....10.00
 30 (25)~~(28)~~ Upon receipt of an application for a marriage
 31 license, for preparing and administering of oath; issuing,

1 sealing, and recording of the marriage license; and providing
 2 a certified copy.....30.00 ~~20.00~~
 3 ~~(26)(29)~~ For solemnizing matrimony.....30.00 ~~20.00~~
 4 ~~(27)(30)~~ For sealing any court file or expungement of
 5 any record.....37.50 ~~25.00~~
 6 ~~(28)(31)~~ For receiving and disbursing all restitution
 7 payments, per payment.....3.00 ~~2.00~~
 8 ~~(29)(32)~~ Postal charges incurred by the clerk of the
 9 circuit court in any mailing by certified or registered mail
 10 shall be paid by the party at whose instance the mailing is
 11 made.
 12 ~~(30)(33)~~ For furnishing an electronic copy of
 13 information contained in a computer database: a fee as
 14 provided for in chapter 119.
 15 Section 7. Section 28.241, Florida Statutes, is
 16 amended to read:
 17 28.241 Filing charges for trial and appellate
 18 proceedings.--
 19 (1)(a) The party instituting any civil action, suit,
 20 or proceeding in the circuit court shall pay to the clerk of
 21 that court an initial filing fee ~~a service charge~~ of \$300 ~~\$40~~
 22 in all cases in which there are not more than five defendants
 23 and an additional service charge of \$2 for each defendant in
 24 excess of five. Sixty-five dollars of the initial filing fee
 25 must be remitted by the clerk to the Department of Revenue for
 26 deposit into the General Revenue Fund; \$4 of the initial
 27 filing fee must be remitted by the clerk to the Department of
 28 Revenue for deposit into the Court Education Trust Fund; \$5
 29 must be remitted by the clerk of the court to the Florida
 30 Association of Court Clerks for deposit in the Clerk of the
 31 Court Operations Conference Operating Fund and \$10 must be

1 remitted by the clerk of the court to the Florida Association
2 of Court Clerks for deposit in the Clerk of the Court
3 Operations Conference Contingency Fund.An additional service
4 charge of \$15~~\$10~~ shall be paid by the party seeking each
5 severance that is granted. An additional service charge of \$75
6 ~~\$35~~ shall be paid to the clerk for all proceedings of
7 garnishment, attachment, replevin, and distress. ~~An additional~~
8 ~~service charge of \$8 shall be paid to the clerk for each civil~~
9 ~~action filed, \$7 of such charge to be remitted by the clerk to~~
10 ~~the Department of Revenue for deposit into the General Revenue~~
11 ~~Fund unallocated. An additional charge of \$2.50 shall be paid~~
12 ~~to the clerk for each civil action brought in circuit or~~
13 ~~county court, to be remitted by the clerk to the Department of~~
14 ~~Revenue for deposit into the Court Education Trust Fund.~~
15 ~~Service charges in excess of those herein fixed may be imposed~~
16 ~~by the governing authority of the county by ordinance or by~~
17 ~~special or local law; and such excess shall be expended as~~
18 ~~provided by such ordinance or any special or local law, now or~~
19 ~~hereafter in force, to provide and maintain facilities,~~
20 ~~including a law library, for the use of the courts of the~~
21 ~~county wherein the service charges are collected; to provide~~
22 ~~and maintain equipment; or for a legal aid program in such~~
23 ~~county. In addition, the county is authorized to impose, by~~
24 ~~ordinance or by special or local law, a fee of up to \$15 for~~
25 ~~each civil action filed, for the establishment, maintenance,~~
26 ~~or supplementation of a public guardian pursuant to ss.~~
27 ~~744.701-744.708, inclusive.~~Postal charges incurred by the
28 clerk of the circuit court in making service by certified or
29 registered mail on defendants or other parties shall be paid
30 by the party at whose instance service is made. That part of
31 the within fixed or allowable service charges ~~which is not by~~

1 ~~local or special law applied to the special purposes shall~~
2 ~~constitute the total service charges of the clerk of such~~
3 ~~court for all services performed by him or her in civil~~
4 ~~actions, suits, or proceedings. No additional fees, charges,~~
5 ~~or costs shall be added to the initial service charge except~~
6 ~~as authorized by general law.~~~~The sum of all service charges~~
7 ~~and fees permitted under this subsection may not exceed \$200;~~
8 ~~however, the \$200 cap may be increased to \$210 in order to~~
9 ~~provide for the establishment, maintenance, or supplementation~~
10 ~~of a public guardian as indicated in this subsection.~~

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

20 ~~(2) The clerk of the circuit court of any county in~~
21 ~~the state who operates his or her office from fees and service~~
22 ~~charges collected, as opposed to budgeted allocations from~~
23 ~~county general revenue, shall be paid by the county as service~~
24 ~~charges for all services to be performed by him or her in any~~
25 ~~criminal or juvenile action or proceeding in such court, in~~
26 ~~lieu of all other service charges heretofore charged, except~~
27 ~~as hereinafter provided, the sum of \$40 for each defendant or~~
28 ~~juvenile. However, in cases involving capital punishment the~~
29 ~~charge shall be \$50. In any county where a law creates a law~~
30 ~~library fund or other special fund, this charge may be~~
31 ~~increased for that purpose by a special or local law or an~~

1 ~~ordinance. The sum of all service charges and fees permitted~~
2 ~~under this subsection may not exceed \$200.~~

3 ~~(2)(3)~~ Upon the institution of any appellate
4 proceeding from any inferior court to the circuit court of any
5 such county or from the circuit court to an appellate court of
6 the state, the clerk shall charge and collect from the party
7 or parties instituting such appellate proceedings a service
8 charge of ~~\$250~~\$75 for filing a notice of appeal from an
9 inferior court or ~~and \$50~~ for filing a notice of appeal to a
10 higher court.

11 ~~(3)(4)~~ A service charge or a fee may not be imposed
12 upon a party for responding by pleading, motion, or other
13 paper to a civil or criminal action, suit, proceeding, or
14 appeal in a circuit court.

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

21 Section 8. Section 28.2401, Florida Statutes, is
22 amended to read:

23 28.2401 Service charges in probate matters.--

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

26 (a) For the opening of any estate of one document or
27 more, including, but not limited to, petitions and orders to
28 approve settlement of minor's claims; to open a safe-deposit
29 box; to enter rooms and places; for the determination of
30 heirs, if not formal administration; and for a foreign
31 guardian to manage property of a nonresident; but not to

1 include issuance of letters or order of summary and family
 2 administration.....\$100.00 ~~\$20.00~~
 3 (b) Caveat.....100.00 ~~15.00~~
 4 (c) Petition and order to admit foreign wills,
 5 authenticated copies, exemplified copies, or transcript to
 6 record.....100.00 ~~30.00~~
 7 (d) For disposition of personal property without
 8 administration.....100.00 ~~20.00~~
 9 (e) Summary administration.....200.00 ~~35.00~~
 10 (f) Family administration.....60 ~~45.00~~
 11 (g) Formal administration, guardianship, ancillary,
 12 curatorship, or conservatorship proceedings.....250.00 ~~75.00~~
 13 (h) Guardianship proceedings of person
 14 only.....100.00 ~~25.00~~
 15 (i) Veterans' guardianship pursuant to chapter
 16 744.....100.00 ~~25.00~~
 17 (j) Exemplified certificates.....6.00 ~~4.00~~
 18 (k) Petition for determination of
 19 incompetency.....100.00 ~~25.00~~
 20 (2) Upon application by the clerk and a showing of
 21 extraordinary circumstances, the service charges set forth in
 22 this section may be increased in an individual matter by order
 23 of the circuit court before which the matter is pending, to
 24 more adequately compensate for the services performed.
 25 (3) ~~Service charges in excess of those fixed in this~~
 26 ~~section may be imposed by the governing authority of the~~
 27 ~~county by ordinance, or by special or local law, to provide~~
 28 ~~and maintain facilities, including a law library; to or local~~
 29 ~~law, to provide and maintain facilities, including a law~~
 30 ~~library; to provide and maintain equipment; or to provide or~~
 31 ~~maintain a legal aid program. Service charges other than those~~

1 ~~fixed in this section shall be governed by s. 28.24.~~An
2 additional service charge of ~~\$4~~\$2.50 on petitions seeking
3 summary administration, family administration, formal
4 administration, ancillary administration, guardianship,
5 curatorship, and conservatorship shall be paid to the clerk.
6 The clerk shall transfer the ~~\$4~~\$2.50 to the Department of
7 Revenue for deposit into the Court Education Trust Fund. No
8 additional fees, charges, or costs shall be added to the
9 initial service charges except as authorized by general law.

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

16 Section 9. Section 28.2402, Florida Statutes, is
17 created to read:

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

24 Section 10. Effective July 1, 2003, section 28.246,
25 Florida Statutes, is created to read:

26 28.246 Payment of court-related fees, charges, and
27 costs; partial payments; distribution of funds.--

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

1 (a) The total amount of mandatory fees, service
2 charges, and costs; the total amount actually assessed; the
3 total amount discharged or waived; and the total amount
4 collected.

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

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

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

15
16 The clerk shall submit the report 30 days after the end of
17 each quarter for the period from July 1, 2003, through June
18 30, 2004, and annually thereafter, 60 days after the end of
19 the county fiscal year.

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

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

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

31

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

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

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

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

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

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

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

31

1 (6) A clerk of court may pursue the collection of any
2 finances, court costs, or other costs imposed by the court which
3 remain unpaid for 90 days or longer, or refer such collection
4 to a private attorney who is a member in good standing of The
5 Florida Bar or collection agent who is registered and in good
6 standing pursuant to chapter 559. In pursuing the collection
7 of such unpaid financial obligations through a private
8 attorney or collection agent, the clerk of the court must
9 determine that the collection is cost-effective and follow
10 applicable procurement practices.

11 Section 11. Section 28.35, Florida Statutes, is
12 created to read:

13 28.35 Clerk of Court Operations Conference.--

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

16 (a) Four clerks appointed by the Florida Association
17 of Court Clerks, with one clerk from a county of fewer than
18 100,000 residents, one clerk from a county of more than
19 100,000 residents but fewer than 500,000 residents, one clerk
20 from a county of more than 500,000 residents but fewer than 1
21 million residents, and one clerk from a county of more than 1
22 million residents.

23 (b) The Chief Justice of the Supreme Court or his or
24 her designee.

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

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

31

1 (b) Establishing a process for the review and approval
2 of court-related budgets submitted by clerks of the circuit
3 court pursuant to s. 28.36 and determining the appropriate
4 payments to be made from the Clerk of Court Operations
5 Conference Contingency Fund established by paragraph (3)(b) to
6 any clerk of the circuit court whose approved expenditures for
7 court-related duties exceed anticipated available revenues for
8 that office.

9 (c) Developing and implementing a system of
10 performance accountability measurements that provides for the
11 objective accountability of each clerk of the circuit court
12 for fiscal management and efficient operations.

13 (d) Developing and implementing an appropriate program
14 for clerk education which shall be funded from operating funds
15 of the conference.

16 (e) Recommending to the Legislature appropriate plans
17 for the development, implementation, and operation of an
18 integrated, comprehensive statewide case-information system
19 that provides for uniform case information to be accessed by
20 all clerks and elements of the state courts system.

21 (3) The Florida Association of Court Clerks shall
22 operate a depository to receive, maintain, and disburse funds
23 to pay for the duties and responsibilities of the conference
24 enumerated in this section. The depository must maintain funds
25 in two financial accounts as follows:

26 (a) The Clerk of Court Operations Conference Operating
27 Fund shall be funded by fees collected by the clerk for filing
28 a civil action in circuit court as provided in s. 28.241 and
29 remitted to the Florida Association of Court Clerks
30 depository. These funds shall be available to the conference
31 for the performance of the duties and responsibilities as set

1 forth in this section, except for the satisfaction of deficits
2 in individual clerk budgets as described in paragraph (2)(b).
3 The conference may hire staff and pay for other expenses from
4 this fund necessary to perform only the duties and
5 responsibilities of the conference as described in this
6 section.

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

18 Section 12. Section 28.36, Florida Statutes, is
19 created to read:

20 28.36 Budget review and approval procedure.--There is
21 established a budget procedure for the court-related functions
22 of the clerks of the circuit court.

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

29 (2) Each budget shall conform to the following
30 requirements:

31

1 (a) On May 1, 2004, for the fiscal period of July 1,
2 2004, through September 30, 2004, and on or before August 1
3 for each fiscal year thereafter, the budget shall be prepared,
4 summarized, and submitted by the clerk in each county to the
5 Clerk of Court Operations Conference in the manner and form
6 prescribed by the conference. The budget must provide detailed
7 information on the anticipated revenues available and
8 expenditures necessary for the performance of the
9 court-related functions of the clerk's office for the county
10 fiscal year beginning the following October 1.

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

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

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

31

1 (4) The Clerk of the Court Operations Conference must
2 approve the court-related budget for each clerk in the state,
3 and shall certify to the Legislature by October 15 of each
4 year, the budget amount approved for each clerk's office; the
5 revenue projection supporting each clerk's budget; and the
6 amount of the contingency fund, if any, used to supplement
7 each clerk's budget.

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

19 (6) For the county fiscal year beginning October 1,
20 2005 through September 30, 2006, and for subsequent county
21 fiscal years, the annual budget amount approved by the Clerk
22 of the Court Operations Conference for each clerk may not
23 exceed the greater of:

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

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

31

1 (7) The Clerk of the Court Operations Conference may
2 submit proposed legislation to the Governor, the President of
3 the Senate, and Speaker of the House of Representatives no
4 later than November 1 in any year for approval of clerks'
5 budget amounts exceeding the restrictions in subsections (5)
6 and (6) for the following October 1. The conference shall also
7 submit supporting justification with sufficient detail to
8 identify the specific proposed expenditures that require the
9 limitations to be exceeded for each clerk.

10 Section 13. Section 28.37, Florida Statutes, is
11 created to read:

12 28.37 Excess revenues remitted to the state.--

13 (1) Pursuant to s. 14(b), Art. V of the State
14 Constitution, selected salaries, costs, and expenses of the
15 state court system and court-related functions shall be funded
16 from a portion of the revenues derived from statutory fees,
17 service charges and costs collected by the clerks of the
18 circuit court.

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

28 (3) The Department of Revenue shall adopt rules
29 governing the assessment and remittance of the funds to be
30 transferred to the state in this section, the required forms
31 and procedures, and penalties for failure to comply. The

1 department shall collect any funds if the department
2 determines upon investigation that such funds were due but not
3 remitted to the department on January 1.

4 Section 14. Effective July 1, 2004, subsection (3) is
5 added to section 29.008, Florida Statutes, to read:

6 29.008 County funding of court-related functions.--

7 (3) A county may continue to fund a legal aid program
8 as a local requirement using funds approved by the board of
9 county commissioners.

10 Section 15. Effective July 1, 2004, subsection (2) of
11 section 34.032, Florida Statutes, is amended to read:

12 34.032 Power of clerk to appoint deputies.--

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

19 Section 16. Section 34.041, Florida Statutes, is
20 amended to read:

21 34.041 Filing fees ~~Service charges~~ and costs.--

22 (1) Upon the institution of any civil action or
23 proceeding in county court, the plaintiff, when filing an
24 action or proceeding, shall pay the following initial filing
25 fees ~~service charges~~:

- 26 (a) For all claims less than
- 27 \$100.....\$50.00 ~~\$10.00~~.
- 28 (b) For all claims of \$100 or more but not more than
- 29 \$2,500..... 150.00 ~~25.00~~.
- 30 (c) For all claims of more than
- 31 \$2,500.....300.00 ~~40.00~~.

- 1 (d) In addition, for all proceedings of garnishment,
- 2 attachment, replevin, and distress.....75.00 ~~35.00~~.
- 3 (e) For removal of tenant action.....300.00 ~~35.00~~.
- 4

5 Seven dollars of the initial filing fee shall be remitted by
 6 the clerk to the Department of Revenue for deposit into the
 7 General Revenue Fund of the state and \$2.50 of the initial
 8 filing fee shall be remitted by the clerk to the Department of
 9 Revenue for deposit into the Court Education Trust Fund.

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

31

1 (2) ~~The judge shall have full discretionary power to~~
2 ~~waive the prepayment of costs or the payment of costs accruing~~
3 ~~during the action upon the sworn written statement of the~~
4 ~~plaintiff and upon other satisfactory evidence of the~~
5 ~~plaintiff's inability to pay such costs. When costs are so~~
6 ~~waived, the notation to be made on the records shall be~~
7 ~~"Prepayment of costs waived," or "Costs waived." The term~~
8 ~~"pauper" or "in forma pauperis" shall not be employed. If a~~
9 party shall fail to pay accrued costs, though able to do so,
10 the judge shall have power to deny that party the right to
11 file any new case while such costs remain unpaid and,
12 likewise, to deny such litigant the right to proceed further
13 in any case pending. The award of other court costs shall be
14 according to the discretion of the judge who may include
15 therein the reasonable costs of bonds and undertakings and
16 other reasonable court costs incident to the suit incurred by
17 either party.

18 (3) In criminal proceedings in county courts, costs
19 shall be taxed against a person in county court upon
20 conviction or estreatment pursuant to chapter 939. The
21 provisions of s. 28.241(2) shall not apply to criminal
22 proceedings in county court.

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

29 (5) A charge or a fee may not be imposed upon a party
30 for responding by pleading, motion, or other paper to a civil
31

1 or criminal action, suit, or proceeding in a county court or
2 to an appeal to the circuit court.

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

10 Section 17. Effective July 1, 2004, subsections (1)
11 and (4) of section 34.191, Florida Statutes, are amended to
12 read:

13 34.191 Fines, forfeitures, and costs.--

14 (1) All fines and forfeitures arising from offenses
15 tried in the county court shall be collected and accounted for
16 by the clerk of the court ~~and deposited in a special trust~~
17 ~~account.~~ All fines and forfeitures received from violations of
18 ~~ordinances or misdemeanors committed within a county, or of~~
19 municipal ordinances committed within a municipality within
20 the territorial jurisdiction of the county court, shall be
21 paid monthly to the county or municipality respectively except
22 as provided in s. 318.21 or s. 943.25. All other fines and
23 forfeitures collected by the clerk shall be considered income
24 of the office of the clerk for use in performing court-related
25 duties of the office.

26 (4) The clerk of the court ~~board of county~~
27 ~~commissioners~~ may assign the collection of fines, court costs,
28 and other costs imposed by the court that are past due for 90
29 days or more to a private attorney or collection agency that
30 is licensed or registered in this state, if the clerk of the
31 court ~~board of county commissioners~~ determines that the

1 assignment is cost-effective and follows established bid
2 practices. The clerk of the court ~~board of county~~
3 ~~commissioners~~ may authorize a fee to be added to the
4 outstanding balance to offset any collection costs that will
5 be incurred.

6 Section 18. Effective July 1, 2004, section 44.108,
7 Florida Statutes, is amended to read:

8 44.108 Funding of mediation and
9 arbitration.--Mediation should be accessible to all parties
10 regardless of financial status. A filing fee of \$1 is levied
11 on all proceedings in the circuit or county courts to fund
12 mediation and arbitration services which are the
13 responsibility of the Supreme Court pursuant to the provisions
14 of s. 44.106. The clerk of the court shall forward the monies
15 collected to the Department of Revenue for deposit in the
16 state courts' Mediation and Arbitration Trust Fund.~~Each board~~
17 ~~of county commissioners may support mediation and arbitration~~
18 ~~services by appropriating moneys from county revenues and by:~~

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

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

31

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

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

15 Section 19. Subsection (3) of section 55.505, Florida
16 Statutes, is amended to read:

17 55.505 Notice of recording; prerequisite to
18 enforcement.--

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

25 Section 20. Subsection (5) of section 55.10, Florida
26 Statutes, is amended to read:

27 55.10 Judgments, orders, and decrees; lien of all,
28 generally; extension of liens; transfer of liens to other
29 security.--

30 (5) Any lien claimed under this section may be
31 transferred, by any person having an interest in the real

1 property upon which the lien is imposed or the contract under
2 which the lien is claimed, from such real property to other
3 security by either depositing in the clerk's office a sum of
4 money or filing in the clerk's office a bond executed as
5 surety by a surety insurer licensed to do business in this
6 state. Such deposit or bond shall be in an amount equal to the
7 amount demanded in such claim of lien plus interest thereon at
8 the legal rate for 3 years plus \$500 to apply on any court
9 costs which may be taxed in any proceeding to enforce said
10 lien. Such deposit or bond shall be conditioned to pay any
11 judgment, order, or decree which may be rendered for the
12 satisfaction of the lien for which such claim of lien was
13 recorded and costs plus \$500 for court costs. Upon such
14 deposit being made or such bond being filed, the clerk shall
15 make and record a certificate showing the transfer of the lien
16 from the real property to the security and mail a copy thereof
17 by registered or certified mail to the lienor named in the
18 claim of lien so transferred, at the address stated therein.
19 Upon the filing of the certificate of transfer, the real
20 property shall thereupon be released from the lien claimed,
21 and such lien shall be transferred to said security. The clerk
22 shall be entitled to a fee of ~~\$15~~^{\$10} for making and serving
23 the certificate. If the transaction involves the transfer of
24 multiple liens, an additional charge of ~~\$7.50~~^{\$5} for each
25 additional lien shall be charged. Any number of liens may be
26 transferred to one such security.

27 Section 21. Effective July 1, 2004, section 55.312,
28 Florida Statutes, is created to read:

29 55.312 Service charge on certain money judgments and
30 settlement agreements.--

31

1 (1)(a) A service charge equal to one-tenth of 1
2 percent of the amount of each money judgment or settlement
3 agreement in excess of \$100,000 entered by a circuit court in
4 this state in any civil action for damages, other than an
5 action for dissolution of marriage or breach of contract,
6 shall be collected by and paid to the clerk of the court in
7 the circuit where the action was filed. The service charge
8 shall not apply to settlements reached at or before mediation
9 or arbitration.

10 (b) By agreement of the parties, the service charge
11 may be paid by any party or allocated to more than one party;
12 however, if there is no agreement among the parties as to
13 which party shall pay the service charge, the responsibility
14 to pay it falls equally on each party to the action. The
15 payment of the service charge shall be made at the time the
16 payment or settlement is paid. If the parties enter into a
17 confidential settlement, the amount of the settlement may be
18 disclosed by the parties to the court, in camera, in order for
19 the service charge to be assessed.

20 (2) The service charge imposed by this section shall
21 be used to offset the general expense of court operation
22 associated with the underlying action. The service charge does
23 not apply if the paying party is a state or local governmental
24 agency.

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

28 (4) The Department of Revenue shall adopt rules
29 governing the assessment, collection, and periodic remittance
30 of the service charge to the department, the required forms
31 and procedures, and penalties for failure to comply. The

1 department shall collect any service charge if the department
2 determines, upon investigation, that the charge was due but
3 not timely remitted to the department. The rules shall require
4 that remittance be made to the department within 30 days after
5 the charge is collected by the clerk.

6 (5) An attorney licensed to practice in this state may
7 not disburse any proceeds to a client in a civil case,
8 mediation, or arbitration to which the service charge applies
9 unless the attorney or the trial court provides for the
10 assessment, allocation, and remittance of the applicable
11 service charge.

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

16 (7) Before February 1 of each year, the Department of
17 Revenue shall report in writing to the President of the Senate
18 and the Speaker of the House of Representatives the dollar
19 amount of remittances received by the department in the prior
20 calendar year, by county.

21 Section 22. Paragraphs (d), (e), and (f) of subsection
22 (6) of section 61.14, Florida Statutes, are amended to read:

23 61.14 Enforcement and modification of support,
24 maintenance, or alimony agreements or orders.--

25 (6)

26 (d) The court shall hear the obligor's motion to
27 contest the impending judgment within 15 days after the date
28 of the filing of the motion. Upon the court's denial of the
29 obligor's motion, the amount of the delinquency and all other
30 amounts which thereafter become due, together with costs and a
31 fee of ~~\$7.50~~^{\$5}, become a final judgment by operation of law

1 against the obligor. The depository shall charge interest at
2 the rate established in s. 55.03 on all judgments for support.

3 (e) If the obligor fails to file a motion to contest
4 the impending judgment within the time limit prescribed in
5 paragraph (c) and fails to pay the amount of the delinquency
6 and all other amounts which thereafter become due, together
7 with costs and a fee of ~~\$7.50~~\$5, such amounts become a final
8 judgment by operation of law against the obligor at the
9 expiration of the time for filing a motion to contest the
10 impending judgment.

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

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

22 3. The local depository, at the direction of the
23 department, or the obligee in a non-IV-D case, may partially
24 release the judgment as to specific real property, and the
25 depository shall record a partial release upon receipt of the
26 appropriate recording fee.

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

31

1 Section 23. Effective July 1, 2003, paragraph (b) of
2 subsection (2) of section 61.181, Florida Statutes, is amended
3 to read:

4 61.181 Depository for alimony transactions, support,
5 maintenance, and support payments; fees.--

6 (2)

7 (b)1. ~~For the period of July 1, 1992, through June 30,~~
8 ~~2003,~~The fee imposed in paragraph (a) shall be increased to 4
9 percent of the support payments which the party is obligated
10 to pay, except that no fee shall be more than \$5.25. The fee
11 shall be considered by the court in determining the amount of
12 support that the obligor is, or may be, required to pay.
13 Notwithstanding the provisions of s. 145.022, 75 percent of
14 the additional revenues generated by this paragraph shall be
15 remitted monthly to the Clerk of the Court Child Support
16 Enforcement Collection System Trust Fund administered by the
17 department as provided in subparagraph 2. These funds shall
18 be used exclusively for the development, implementation, and
19 operation of the Clerk of the Court Child Support Enforcement
20 Collection System to be operated by the depositories,
21 including the automation of civil case information necessary
22 for the State Case Registry. The department shall contract
23 with the Florida Association of Court Clerks and the
24 depositories to design, establish, operate, upgrade, and
25 maintain the automation of the depositories to include, but
26 not be limited to, the provision of on-line electronic
27 transfer of information to the IV-D agency as otherwise
28 required by this chapter. The department's obligation to fund
29 the automation of the depositories is limited to the state
30 share of funds available in the Clerk of the Court Child
31 Support Enforcement Collection System Trust Fund. Each

1 depository created under this section shall fully participate
2 in the Clerk of the Court Child Support Enforcement Collection
3 System and transmit data in a readable format as required by
4 the contract between the Florida Association of Court Clerks
5 and the department.

6 2. Moneys to be remitted to the department by the
7 depository shall be done daily by electronic funds transfer
8 and calculated as follows:

9 a. For each support payment of less than \$33, 18.75
10 cents.

11 b. For each support payment between \$33 and \$140, an
12 amount equal to 18.75 percent of the fee charged.

13 c. For each support payment in excess of \$140, 18.75
14 cents.

15 3. The fees established by this section shall be set
16 forth and included in every order of support entered by a
17 court of this state which requires payment to be made into the
18 depository.

19 Section 24. Effective July 1, 2004, section 142.01,
20 Florida Statutes, is amended to read:

21 142.01 Fine and forfeiture fund ~~contents~~.--There shall
22 be established by the clerk of the circuit court in each every
23 county of this state a separate fund to be known as the fine
24 and forfeiture fund for use by the clerk of the circuit court
25 in performing court-related functions. The ~~said~~ fund shall
26 consist of all fines and forfeitures collected by the clerk of
27 the court for violations of in the county under the penal or
28 traffic laws of the state, except those fines imposed under s.
29 775.0835(1); allocations of court costs and civil penalties
30 pursuant to ss. 318.18 and 318.21; and assessments imposed
31 under ss. 938.21, 938.23, and 938.25; and all costs refunded

1 to the county, ~~all funds arising from the hire or other~~
2 ~~disposition of convicts; and the proceeds of any special tax~~
3 ~~that may be levied by the county commissioners for expenses of~~
4 ~~criminal prosecutions. Said funds shall be paid out only for~~
5 ~~criminal expenses, fees, and costs, where the crime was~~
6 ~~committed in the county and the fees and costs are a legal~~
7 ~~claim against the county, in accordance with the provisions of~~
8 ~~this chapter. Any surplus funds remaining in the fine and~~
9 ~~forfeiture fund at the end of a fiscal year may be transferred~~
10 ~~to the county general fund.~~

11 Section 25. Effective July 1, 2004, section 142.02,
12 Florida Statutes, is amended to read:

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

25 Section 26. Effective July 1, 2004, section 142.03,
26 Florida Statutes, is amended to read:

27 142.03 Disposition of fines, forfeitures, and civil
28 penalties.--Except as to fines, forfeitures, and civil
29 penalties collected in cases involving violations of municipal
30 ordinances, violations of chapter 316 committed within a
31 municipality, or infractions under the provisions of chapter

1 318 committed within a municipality, in which cases such
2 fines, forfeitures, and civil penalties shall be fully paid
3 monthly to the appropriate municipality as provided in ss.
4 34.191, 316.660, and 318.21, and except as to fines imposed
5 under s. 775.0835(1), and assessments imposed under ss.
6 938.21, 938.23, and 938.25, all fines imposed under the penal
7 laws of this state in all other cases, and the proceeds of all
8 forfeited bail bonds or recognizances in all other cases,
9 shall be paid into the fine and forfeiture fund of the clerk
10 of the county in which the indictment was found or the
11 prosecution commenced, and judgment must be entered therefor
12 in favor of the state for the use by the clerk of the circuit
13 court in performing court-related functions ~~of the particular~~
14 ~~county.~~

15 Section 27. Effective July 1, 2004, section 142.15,
16 Florida Statutes, is amended to read:

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

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

3 142.16 Change of venue.--In case of change of venue in
4 any case, all fines and forfeitures in such case go to the
5 clerk in the county in which the case was adjudicated
6 ~~indictment was found, and the fees of all officers and~~
7 ~~witnesses are a charge upon the county in which the indictment~~
8 ~~was found, in like manner as if the trial had not been~~
9 ~~removed. All costs and fees arising from the coroner's inquest~~
10 ~~shall be a charge upon the county where the inquest is held,~~
11 ~~and shall be payable from the general revenue fund of the~~
12 ~~county.~~

13 Section 29. Effective July 1, 2004, subsection (3) of
14 section 145.022, Florida Statutes, is amended to read:

15 145.022 Guaranteed salary upon resolution of board of
16 county commissioners.--

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

20 Section 30. Effective July 1, 2004, paragraph (d) of
21 subsection (6) of section 212.20, Florida Statutes, as amended
22 by section 1 of chapter 2002-291, Laws of Florida, is amended
23 to read:

24 212.20 Funds collected, disposition; additional powers
25 of department; operational expense; refund of taxes
26 adjudicated unconstitutionally collected.--

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

29 (d) The proceeds of all other taxes and fees imposed
30 pursuant to this chapter or remitted pursuant to s.
31 202.18(1)(b) and (2)(b) shall be distributed as follows:

1 1. In any fiscal year, the greater of \$500 million,
2 minus an amount equal to 4.6 percent of the proceeds of the
3 taxes collected pursuant to chapter 201, or 5 percent of all
4 other taxes and fees imposed pursuant to this chapter or
5 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
6 deposited in monthly installments into the General Revenue
7 Fund.

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

11 3. After the distribution under subparagraphs 1. and
12 2., 8.814 ~~9.653~~ percent of the amount remitted by a sales tax
13 dealer located within a participating county pursuant to s.
14 218.61 shall be transferred into the Local Government
15 Half-cent Sales Tax Clearing Trust Fund.

16 4. After the distribution under subparagraphs 1., 2.,
17 and 3., 0.095 ~~0.065~~ percent shall be transferred to the Local
18 Government Half-cent Sales Tax Clearing Trust Fund and
19 distributed pursuant to s. 218.65.

20 5. ~~For proceeds received after July 1, 2000, and~~ After
21 the distributions under subparagraphs 1., 2., 3., and 4.,
22 2.0440 ~~2.25~~ percent of the available proceeds pursuant to this
23 paragraph shall be transferred monthly to the Revenue Sharing
24 Trust Fund for Counties pursuant to s. 218.215.

25 6. ~~For proceeds received after July 1, 2000, and~~ After
26 the distributions under subparagraphs 1., 2., 3., and 4.,
27 1.3409 ~~1.0715~~ percent of the available proceeds pursuant to
28 this paragraph shall be transferred monthly to the Revenue
29 Sharing Trust Fund for Municipalities pursuant to s. 218.215.
30 If the total revenue to be distributed pursuant to this
31 subparagraph is at least as great as the amount due from the

1 Revenue Sharing Trust Fund for Municipalities and the
2 Municipal Financial Assistance Trust Fund in state fiscal year
3 1999-2000, no municipality shall receive less than the amount
4 due from the Revenue Sharing Trust Fund for Municipalities and
5 the Municipal Financial Assistance Trust Fund in state fiscal
6 year 1999-2000. If the total proceeds to be distributed are
7 less than the amount received in combination from the Revenue
8 Sharing Trust Fund for Municipalities and the Municipal
9 Financial Assistance Trust Fund in state fiscal year
10 1999-2000, each municipality shall receive an amount
11 proportionate to the amount it was due in state fiscal year
12 1999-2000.

13 7. Of the remaining proceeds:

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

1 obligations as a result of previous pledges or assignments or
2 trusts entered into which obligated funds received from the
3 distribution to county governments under then-existing s.
4 550.135. This distribution specifically is in lieu of funds
5 distributed under s. 550.135 prior to July 1, 2000.

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

27 c. Beginning 30 days after notice by the Office of
28 Tourism, Trade, and Economic Development to the Department of
29 Revenue that an applicant has been certified as the
30 professional golf hall of fame pursuant to s. 288.1168 and is
31

1 open to the public, \$166,667 shall be distributed monthly, for
2 up to 300 months, to the applicant.

3 d. Beginning 30 days after notice by the Office of
4 Tourism, Trade, and Economic Development to the Department of
5 Revenue that the applicant has been certified as the
6 International Game Fish Association World Center facility
7 pursuant to s. 288.1169, and the facility is open to the
8 public, \$83,333 shall be distributed monthly, for up to 168
9 months, to the applicant. This distribution is subject to
10 reduction pursuant to s. 288.1169. A lump sum payment of
11 \$999,996 shall be made, after certification and before July 1,
12 2000.

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

15 Section 31. Effective July 1, 2004, paragraph (b) of
16 subsection (6) of section 218.21, Florida Statutes, is amended
17 to read:

18 218.21 Definitions.--As used in this part, the
19 following words and terms shall have the meanings ascribed
20 them in this section, except where the context clearly
21 indicates a different meaning:

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

25 (a) No eligible county shall receive less funds from
26 the Revenue Sharing Trust Fund for Counties in any fiscal year
27 than the amount received in the aggregate from the state in
28 fiscal year 1971-1972 under the provisions of the
29 then-existing s. 210.20(2)(c), tax on cigarettes; the
30 then-existing s. 323.16(4), road tax; and the then-existing s.
31 199.292(4), tax on intangible personal property.

1 (b) No eligible municipality shall receive less funds
2 from the Revenue Sharing Trust Fund for Municipalities in any
3 fiscal year than the aggregate amount it received from the
4 state in fiscal year 1971-1972 under the provisions of the
5 then-existing s. 210.20(2)(a), tax on cigarettes; the
6 then-existing s. 323.16(3), road tax; and s. 206.605, tax on
7 motor fuel. Any government exercising municipal powers under
8 s. 6(f), Art. VIII of the State Constitution may not receive
9 less than the aggregate amount it received from the Revenue
10 Sharing Trust Fund for Municipalities in the ~~preceding fiscal~~
11 ~~year, plus a percentage increase in such amount equal to the~~
12 ~~percentage increase of the Revenue Sharing Trust Fund for~~
13 ~~Municipalities for the preceding 2003-2004~~ fiscal year.

14 Section 32. Effective July 1, 2004, subsection (2) of
15 section 218.35, Florida Statutes, is amended to read:

16 218.35 County fee officers; financial matters.--

17 (2) The clerk of the circuit court, functioning in his
18 or her capacity as clerk of the circuit and county courts and
19 as clerk of the board of county commissioners, shall prepare
20 his or her budget in two parts:

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

27 (b) The budget relating to the requirements of the
28 clerk as clerk of the board of county commissioners, county
29 auditor, and custodian or treasurer of all county funds and
30 other county-related duties.

31

1 Section 33. Paragraph (b) of subsection (1) and
2 subsection (2) of section 318.15, Florida Statutes, are
3 amended to read:

4 318.15 Failure to comply with civil penalty or to
5 appear; penalty.--

6 (1)

7 (b) However, a person who elects to attend driver
8 improvement school and has paid the civil penalty as provided
9 in s. 318.14(9), but who subsequently fails to attend the
10 driver improvement school within the time specified by the
11 court shall be deemed to have admitted the infraction and
12 shall be adjudicated guilty. In such case the person must pay
13 the clerk of the court the 18 percent deducted pursuant to s.
14 318.14(9), and a ~~\$15~~\$10 processing fee, after which no
15 additional penalties, court costs, or surcharges shall be
16 imposed for the violation. The clerk of the court shall notify
17 the department of the person's failure to attend driver
18 improvement school and points shall be assessed pursuant to s.
19 322.27.

20 (2) After suspension of the driver's license and
21 privilege to drive of a person under subsection (1), the
22 license and privilege may not be reinstated until the person
23 complies with all obligations and penalties imposed on him or
24 her under s. 318.18 and presents to a driver license office a
25 certificate of compliance issued by the court, together with
26 the ~~\$37.50~~\$25 nonrefundable service fee imposed under s.
27 322.29, or pays the aforementioned ~~\$37.50~~\$25 service fee to
28 the clerk of the court or tax collector clearing such
29 suspension. Such person shall also be in compliance with
30 requirements of chapter 322 prior to reinstatement.

31

1 Section 34. Subsections (2), (6), (7), and (11) of
2 section 318.18, Florida Statutes, are amended to read:

3 318.18 Amount of civil penalties.--The penalties
4 required for a noncriminal disposition pursuant to s. 318.14
5 are as follows:

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

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

9 (b) For all violations of ss. 320.0605, 320.07(1),
10 322.065, and 322.15(1). Any person who is cited for a
11 violation of s. 320.07(1) shall be charged a delinquent fee
12 pursuant to s. 320.07(4).

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

25 2. If a person who is cited for a violation of s.
26 322.03, s. 322.065, or s. 322.15 can show a driver's license
27 issued to him or her 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.

30 3. If a person who is cited for a violation of s.
31 316.646 can show proof of security as required by s. 627.733,

1 issued to the person and valid at the time of arrest, the
2 clerk of the court may dismiss the case and may assess a \$7.50
3 ~~\$5~~ dismissal fee. A person who finds it impossible or
4 impractical to obtain proof of security must submit an
5 affidavit detailing the reasons for the impracticality. The
6 reasons may include, but are not limited to, the fact that the
7 vehicle has since been sold, stolen, or destroyed; that the
8 owner or registrant of the vehicle is not required by s.
9 627.733 to maintain personal injury protection insurance; or
10 that the vehicle is owned by another person.

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

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

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

1 320.0845, or s. 320.0848 or a signed affidavit that the owner
 2 of the disabled parking permit or license plate was present at
 3 the time the violation occurred, and that such a parking
 4 permit or license plate was valid at the time the violation
 5 occurred. The law enforcement officer, upon determining that
 6 all required documentation has been submitted verifying that
 7 the required parking permit or license plate was valid at the
 8 time of the violation, must sign an affidavit of compliance.
 9 Upon provision of the affidavit of compliance and payment of a
 10 \$7.50~~\$5~~ dismissal fee to the clerk of the circuit court, the
 11 clerk shall dismiss the citation.

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

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

24

25 For pedestrian infractions.....	\$ 3.
26 For nonmoving traffic infractions.....	<u>\$ 16</u> \$ 6 .
27 For moving traffic infractions.....	
	<u>\$ 30</u> \$ 10 .

28

29

30 (b) In addition to the court cost assessed under
 31 paragraph (a), the court shall impose a \$3 court cost for each

1 infraction to be distributed as provided in s. 938.01 and a \$2
2 court cost as provided in s. 938.15 when assessed by a
3 municipality or county.

4
5 ~~Court costs imposed under this subsection may not exceed \$30.~~
6 ~~A criminal justice selection center or other local criminal~~
7 ~~justice access and assessment center may be funded from these~~
8 ~~court costs.~~

9 Section 35. Paragraphs (f) and (g) of subsection (2)
10 of section 318.21, Florida Statutes, are amended to read:

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

15 (2) Of the remainder:

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

18 (g)1. If the violation occurred within a municipality
19 or a special improvement district of the Seminole Indian Tribe
20 or Miccosukee Indian Tribe, 56.4 percent shall be paid to that
21 municipality or special improvement district.

22 2. If the violation occurred within the unincorporated
23 area of a county that is not within a special improvement
24 district of the Seminole Indian Tribe or Miccosukee Indian
25 Tribe, 56.4 percent shall be deposited into the fine and
26 forfeiture fund established pursuant to s. 142.01 ~~paid to that~~
27 ~~county.~~

28 Section 36. Subsection (1) of section 322.245, Florida
29 Statutes, is amended to read:

30 322.245 Suspension of license upon failure of person
31 charged with specified offense under chapter 316, chapter 320,

1 or this chapter to comply with directives ordered by traffic
2 court or upon failure to pay child support in non-IV-D cases
3 as provided in chapter 61.--

4 (1) If a person who is charged with a violation of any
5 of the criminal offenses enumerated in s. 318.17 or with the
6 commission of any offense constituting a misdemeanor under
7 chapter 320 or this chapter fails to comply with all of the
8 directives of the court within the time allotted by the court,
9 the clerk of the traffic court shall mail to the person, at
10 the address specified on the uniform traffic citation, a
11 notice of such failure, notifying him or her that, if he or
12 she does not comply with the directives of the court within 30
13 days after the date of the notice and pay a delinquency fee of
14 ~~\$15~~^{\$10} to the clerk, his or her driver's license will be
15 suspended. The notice shall be mailed no later than 5 days
16 after such failure. The delinquency fee may be retained by the
17 office of the clerk to defray the operating costs of the
18 office.

19 Section 37. Paragraph (a) of subsection (9) of section
20 327.73, Florida Statutes, is amended to read:

21 327.73 Noncriminal infractions.--

22 (9)(a) Any person who fails to comply with the court's
23 requirements or who fails to pay the civil penalties specified
24 in this section within the 30-day period provided for in s.
25 327.72 must pay an additional court cost of ~~\$18~~^{\$12}, which
26 shall be used by the clerks of the courts to defray the costs
27 of tracking unpaid uniform boating citations.

28 Section 38. Section 382.023, Florida Statutes, is
29 amended to read:

30 382.023 Department to receive dissolution-of-marriage
31 records; fees.--Clerks of the circuit courts shall collect for

1 their services at the time of the filing of a final judgment
2 of dissolution of marriage a fee of \$10.50~~\$7~~, of which \$4.50
3 ~~\$3~~ shall be retained by the circuit court as a part of the
4 cost in the cause in which the judgment is granted. The
5 remaining \$6~~\$4~~ shall be remitted to the Department of Revenue
6 for deposit to the Department of Health to defray part of the
7 cost of maintaining the dissolution-of-marriage records. A
8 record of each and every judgment of dissolution of marriage
9 granted by the court during the preceding calendar month,
10 giving names of parties and such other data as required by
11 forms prescribed by the department, shall be transmitted to
12 the department, on or before the 10th day of each month, along
13 with an accounting of the funds remitted to the Department of
14 Revenue pursuant to this section.

15 Section 39. Subsection (1) of section 713.24, Florida
16 Statutes, is amended to read:

17 713.24 Transfer of liens to security.--

18 (1) Any lien claimed under this part may be
19 transferred, by any person having an interest in the real
20 property upon which the lien is imposed or the contract under
21 which the lien is claimed, from such real property to other
22 security by either:

23 (a) Depositing in the clerk's office a sum of money,
24 or

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

28
29 either to be in an amount equal to the amount demanded in such
30 claim of lien, plus interest thereon at the legal rate for 3
31 years, plus \$1,000 or 25 percent of the amount demanded in the

1 claim of lien, whichever is greater, to apply on any
2 attorney's fees and court costs that may be taxed in any
3 proceeding to enforce said lien. Such deposit or bond shall be
4 conditioned to pay any judgment or decree which may be
5 rendered for the satisfaction of the lien for which such claim
6 of lien was recorded. Upon making such deposit or filing such
7 bond, the clerk shall make and record a certificate showing
8 the transfer of the lien from the real property to the
9 security and shall mail a copy thereof by registered or
10 certified mail to the lienor named in the claim of lien so
11 transferred, at the address stated therein. Upon filing the
12 certificate of transfer, the real property shall thereupon be
13 released from the lien claimed, and such lien shall be
14 transferred to said security. In the absence of allegations of
15 privity between the lienor and the owner, and subject to any
16 order of the court increasing the amount required for the lien
17 transfer deposit or bond, no other judgment or decree to pay
18 money may be entered by the court against the owner. The clerk
19 shall be entitled to a fee for making and serving the
20 certificate, in the sum of ~~\$15~~^{\$10}. If the transaction
21 involves the transfer of multiple liens, an additional charge
22 of ~~\$7.50~~^{\$5} for each additional lien shall be charged. For
23 recording the certificate and approving the bond, the clerk
24 shall receive her or his usual statutory service charges as
25 prescribed in s. 28.24. Any number of liens may be transferred
26 to one such security.

27 Section 40. Effective July 1, 2003, subsection (3) is
28 added to section 721.83, Florida Statutes, to read:

29 721.83 Consolidation of foreclosure actions.--

30 (3) A plaintiff shall be required to pay separate
31 filing fees and service charges as provided by general law for

1 each defendant in a consolidated foreclosure action filed
2 pursuant to this section.

3 Section 41. Section 744.3135, Florida Statutes, is
4 amended to read:

5 744.3135 Credit and criminal investigation.--The court
6 may require a nonprofessional guardian and shall require a
7 professional or public guardian, and all employees of a
8 professional guardian who have a fiduciary responsibility to a
9 ward, to submit, at their own expense, to an investigation of
10 the guardian's credit history and to undergo level 2
11 background screening as required under s. 435.04. The clerk of
12 the court shall obtain fingerprint cards from the Federal
13 Bureau of Investigation and make them available to guardians.
14 Any guardian who is so required shall have his or her
15 fingerprints taken and forward the proper fingerprint card
16 along with the necessary fee to the Florida Department of Law
17 Enforcement for processing. The professional guardian shall
18 pay to the clerk of the court a fee of \$7.50~~\$5~~ for handling
19 and processing professional guardian files. The results of the
20 fingerprint checks shall be forwarded to the clerk of court
21 who shall maintain the results in a guardian file and shall
22 make the results available to the court. If credit or criminal
23 investigations are required, the court must consider the
24 results of the investigations in appointing a guardian.
25 Guardians and all employees of a professional guardian who
26 have a fiduciary responsibility to a ward, so appointed, must
27 resubmit, at their own expense, to an investigation of credit
28 history, and undergo level 1 background screening as required
29 under s. 435.03, every 2 years after the date of their
30 appointment. The court must consider the results of these
31 investigations in reappointing a guardian. This section shall

1 not apply to a professional guardian, or to the employees of a
2 professional guardian, that is a trust company, a state
3 banking corporation or state savings association authorized
4 and qualified to exercise fiduciary powers in this state, or a
5 national banking association or federal savings and loan
6 association authorized and qualified to exercise fiduciary
7 powers in this state.

8 Section 42. Paragraph (a) of subsection (6) of section
9 744.365, Florida Statutes, is amended to read:

10 744.365 Verified inventory.--

11 (6) AUDIT FEE.--

12 (a) Where the value of the ward's property exceeds
13 \$25,000, a guardian shall pay from the ward's property to the
14 clerk of the circuit court a fee of \$75~~\$50~~, upon the filing
15 of the verified inventory, for the auditing of the inventory.
16 Any guardian unable to pay the auditing fee may petition the
17 court for waiver of the fee. The court may waive the fee
18 after it has reviewed the documentation filed by the guardian
19 in support of the waiver. ~~If the fee is waived for a ward,~~
20 ~~the audit fee must be paid from the general fund of the county~~
21 ~~in which the guardianship proceeding is conducted.~~

22 Section 43. Subsection (4) of section 744.3678,
23 Florida Statutes, is amended to read:

24 744.3678 Annual accounting.--

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

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

31

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

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

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

7
8 Any guardian unable to pay the auditing fee may petition the
9 court for a waiver of the fee. The court may waive the fee
10 after it has reviewed the documentation filed by the guardian
11 in support of the waiver. ~~Upon such waiver, the clerk of the~~
12 ~~circuit court shall bill the board of county commissioners for~~
13 ~~the auditing fee.~~

14 Section 44. Effective July 1, 2004, section 775.083,
15 Florida Statutes, is amended to read:

16 775.083 Fines.--

17 (1) A person who has been convicted of an offense
18 other than a capital felony may be sentenced to pay a fine in
19 addition to any punishment described in s. 775.082; when
20 specifically authorized by statute, he or she may be sentenced
21 to pay a fine in lieu of any punishment described in s.
22 775.082. A person who has been convicted of a noncriminal
23 violation may be sentenced to pay a fine. Fines for designated
24 crimes and for noncriminal violations shall not exceed:

25 (a) \$15,000, when the conviction is of a life felony.

26 (b) \$10,000, when the conviction is of a felony of the
27 first or second degree.

28 (c) \$5,000, when the conviction is of a felony of the
29 third degree.

30 (d) \$1,000, when the conviction is of a misdemeanor of
31 the first degree.

1 (e) \$500, when the conviction is of a misdemeanor of
2 the second degree or a noncriminal violation.

3 (f) Any higher amount equal to double the pecuniary
4 gain derived from the offense by the offender or double the
5 pecuniary loss suffered by the victim.

6 (g) Any higher amount specifically authorized by
7 statute.

8
9 Fines imposed in this subsection shall be deposited by the
10 clerk of the court in the fine and forfeiture fund established
11 pursuant to s. 142.01.If a defendant is unable to pay a fine,
12 the court may defer payment of the fine to a date certain.

13 (2)~~(a)~~ In addition to the fines set forth in
14 subsection (1), court costs shall be assessed and collected in
15 each instance a defendant pleads nolo contendere to, or is
16 convicted of, or adjudicated delinquent for, a felony, a
17 misdemeanor, or a criminal traffic offense under state law, or
18 a violation of any municipal or county ordinance if the
19 violation constitutes a misdemeanor under state law. The
20 court costs imposed by this section shall be \$50 for a felony
21 and \$20 for any other offense and shall be deposited by the
22 clerk of the court in the fine and forfeiture fund established
23 pursuant to s. 142.01.~~A county may adopt an ordinance~~
24 ~~imposing, in addition to any other fine, penalty, or cost~~
25 ~~imposed by subsection (1) or any other provision of law, a~~
26 ~~fine upon any person who, with respect to a charge,~~
27 ~~indictment, or prosecution commenced in that county, pleads~~
28 ~~guilty or nolo contendere to, or is convicted of or~~
29 ~~adjudicated delinquent for, a felony, a misdemeanor, or a~~
30 ~~criminal traffic offense under state law, or a violation of~~

31

1 ~~any municipal or county ordinance if the violation constitutes~~
2 ~~a misdemeanor under state law.~~

3 ~~(b) The fine is \$50 for a felony and \$20 for any other~~
4 ~~offense. When the defendant enters the plea or is convicted or~~
5 ~~adjudicated, in a court in that county, the court may order~~
6 ~~the defendant to pay such fine if the court finds that the~~
7 ~~defendant has the ability to pay the fine and that the~~
8 ~~defendant would not be prevented thereby from being~~
9 ~~rehabilitated or making restitution.~~

10 ~~(c) The clerk of the court shall collect and deposit~~
11 ~~the fines in an appropriate county account for disbursement~~
12 ~~for the purposes provided in this subsection.~~

13 ~~(d) A county that imposes the additional fines~~
14 ~~authorized under this subsection shall account for the fines~~
15 ~~separately from other county funds, as crime prevention funds.~~
16 ~~The county, in consultation with the sheriff, must expend such~~
17 ~~fines for the costs of collecting the fines and for crime~~
18 ~~prevention programs in the county, including safe neighborhood~~
19 ~~programs under ss. 163.501-163.523.~~

20 (3) The purpose of this section is to provide uniform
21 penalty authorization for criminal offenses and, to this end,
22 a reference to this section constitutes a general reference
23 under the doctrine of incorporation by reference.

24 Section 45. Section 921.26, Florida Statutes, is
25 created to read:

26 921.26 Notice of assessment of court cost.--The
27 assessment of a court cost under chapter 938 shall be made
28 upon any order entered pursuant to this chapter. A court cost
29 assessed under s. 938.02 shall take priority over any other
30 court cost assessed, and shall be collected before any other
31 court cost.

1 Section 46. Section 938.02, Florida Statutes, is
2 created to read:

3 938.02 Additional cost for operation of court
4 system.--All courts created by Art. V of the State
5 Constitution shall, in addition and prior to any fine, other
6 court costs, or other penalty, assess the sum of \$25 as a
7 court cost against each person who pleads guilty or nolo
8 contendere to, or is convicted of, regardless of adjudication,
9 any felony, misdemeanor, or criminal traffic offense under the
10 laws of this state. This court cost may not be waived by the
11 court and shall take priority over and be paid prior to any
12 other cost required to be imposed by law. If this court cost
13 has not been collected prior to termination of probation, such
14 term of probation may not be terminated until the cost has
15 been collected. If this court cost has not been collected
16 prior to incarceration, the appropriate authorities shall be
17 directed to collect the cost out of any moneys or account held
18 for the inmate and remit the sum to the clerk of the court.
19 Court costs assessed under this section shall be remitted by
20 the clerk to the Department of Revenue for deposit into the
21 General Revenue Fund.

22 Section 47. Effective July 1, 2004, section 938.05,
23 Florida Statutes, is amended to read:

24 938.05 Local Government Criminal Justice Trust Fund.--

25 (1) When any person pleads nolo contendere to a
26 misdemeanor or criminal traffic offense under s. 318.14(10)(a)
27 or pleads guilty or nolo contendere to, or is found guilty of,
28 any felony, misdemeanor, or criminal traffic offense under the
29 laws of this state or the violation of any municipal or county
30 ordinance which adopts by reference any misdemeanor under
31 state law, there shall be imposed as a cost in the case, in

1 addition to any other cost required to be imposed by law, a
 2 sum in accordance with the following schedule:

- 3 (a) Felonies.....\$200
- 4 (b) Misdemeanors.....\$50
- 5 (c) Criminal traffic offenses.....\$50

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

14 (3) The clerk of the court shall collect such
 15 additional costs for deposit in the fine and forfeiture fund
 16 established pursuant to s. 142.01 and shall notify the agency
 17 supervising a person upon whom costs have been imposed upon
 18 full payment of fees. ~~The clerk shall deposit all but \$3 for~~
 19 ~~each misdemeanor or criminal traffic case and all but \$5 for~~
 20 ~~each felony case in a special trust fund of the county. Such~~
 21 ~~funds shall be used exclusively for those purposes set forth~~
 22 ~~in s. 27.3455(3). The clerk shall retain \$3 for each~~
 23 ~~misdemeanor or criminal traffic case and \$5 for each felony~~
 24 ~~case of each scheduled amount collected as a service charge of~~
 25 ~~the clerk's office. A political subdivision shall not be held~~
 26 ~~liable for the payment of the additional costs imposed by this~~
 27 ~~section.~~

28 Section 48. Effective July 1, 2003, section 938.35,
 29 Florida Statutes, is amended to read:

30 938.35 Collection of court-related financial
 31 obligations.--Any provision of law notwithstanding, a clerk of

1 the circuit court ~~county~~ may pursue the collection of any
2 fines, court costs, or other costs imposed by the court which
3 remain unpaid for 90 days or more, or refer such collection to
4 a private attorney who is a member in good standing of The
5 Florida Bar or collection agent who is registered and in good
6 standing pursuant to chapter 559. In pursuing the collection
7 of such unpaid financial obligations through a private
8 attorney or collection agent, the clerk of the circuit court
9 ~~governing body of the county~~ must determine that such
10 collection is cost-effective and the clerk ~~county~~ must follow
11 applicable procurement practices. The costs of collection,
12 including a reasonable attorney's fee, may be recovered,
13 except that such fees and costs of collection may not exceed
14 40 percent of the total fines and costs owed.

15 Section 49. Subsection (5) is added to section 26.012,
16 Florida Statutes, to read:

17 26.012 Jurisdiction of circuit court.--

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

19 Section 50. Section 27.06, Florida Statutes, is
20 amended to read:

21 27.06 Habeas corpus and preliminary trials.--The
22 several state attorneys of this state shall represent the
23 state in all cases of habeas corpus arising in their
24 respective circuits, and shall also represent the state,
25 either in person or by assistant, in cases of preliminary
26 trials of persons charged with capital offenses in all cases
27 where the committing trial court judge ~~magistrate~~ shall have
28 given due and timely notice of the time and place of such
29 trial. Notice of the application for the writ of habeas
30 corpus shall be given to the prosecuting officer of the court
31 wherein the statute under attack is being applied, the

1 criminal law proceeding is being maintained, or the conviction
2 has occurred.

3 Section 51. Subsections (2) and (3) of section 34.01,
4 Florida Statutes, are amended, and subsection (5) is added to
5 that section, to read:

6 34.01 Jurisdiction of county court.--

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

21 (3) Judges of county courts shall also be committing
22 trial court judges ~~magistrates~~. Judges of county courts shall
23 be coroners unless otherwise provided by law or by rule of the
24 Supreme Court.

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

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

30 Section 52. Section 48.20, Florida Statutes, is
31 amended to read:

1 48.20 Service of process on Sunday.--Service or
2 execution on Sunday of any writ, process, warrant, order, or
3 judgment is void and the person serving or executing, or
4 causing it to be served or executed, is liable to the party
5 aggrieved for damages for so doing as if he or she had done it
6 without any process, writ, warrant, order, or judgment. If
7 affidavit is made by the person requesting service or
8 execution that he or she has good reason to believe that any
9 person liable to have any such writ, process, warrant, order,
10 or judgment served on him or her intends to escape from this
11 state under protection of Sunday, any officer furnished with
12 an order authorizing service or execution by the trial court
13 ~~judge or magistrate of any incorporated town~~ may serve or
14 execute such writ, process, warrant, order, or judgment on
15 Sunday, and it is as valid as if it had been done on any other
16 day.

17 Section 53. Subsection (3) of section 316.635, Florida
18 Statutes, is amended to read:

19 316.635 Courts having jurisdiction over traffic
20 violations; powers relating to custody and detention of
21 minors.--

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

1 (a) Issue a notice to appear pursuant to chapter 901
2 and release the minor to a parent, guardian, responsible adult
3 relative, or other responsible adult;

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

6 (c) Issue a notice to appear pursuant to chapter 901
7 and deliver the minor to an appropriate substance abuse
8 treatment or rehabilitation facility or refer the minor to an
9 appropriate medical facility as provided in s. 901.29. If the
10 minor cannot be delivered to an appropriate substance abuse
11 treatment or rehabilitation facility or medical facility, the
12 arresting officer may deliver the minor to an appropriate
13 intake office of the Department of Juvenile Justice, which
14 shall take custody of the minor and make any appropriate
15 referrals; or

16 (d) If the violation constitutes a felony and the
17 minor cannot be released pursuant to s. 903.03, transport and
18 deliver the minor to an appropriate Department of Juvenile
19 Justice intake office. Upon delivery of the minor to the
20 intake office, the department shall assume custody and proceed
21 pursuant to chapter 984 or chapter 985.

22
23 If action is not taken pursuant to paragraphs (a)-(d), the
24 minor shall be delivered to the Department of Juvenile
25 Justice, and the department shall make every reasonable effort
26 to contact the parents, guardian, or responsible adult
27 relative to take custody of the minor. If there is no parent,
28 guardian, or responsible adult relative available, the
29 department may retain custody of the minor for up to 24 hours.

30 Section 54. Section 373.603, Florida Statutes, is
31 amended to read:

1 373.603 Power to enforce.--The Department of
2 Environmental Protection or the governing board of any water
3 management district and any officer or agent thereof may
4 enforce any provision of this law or any rule or regulation
5 adopted and promulgated or order issued thereunder to the same
6 extent as any peace officer is authorized to enforce the law.
7 Any officer or agent of any such board may appear before any
8 trial court judge ~~magistrate~~ empowered to issue warrants in
9 criminal cases and make an affidavit and apply for the
10 issuance of a warrant in the manner provided by law. ~~and said~~
11 ~~magistrate~~, If such affidavit alleges ~~shall allege~~ the
12 commission of an offense, the trial court judge shall issue a
13 warrant directed to any sheriff or deputy for the arrest of
14 any offender. The provisions of this section shall apply to
15 the Florida Water Resources Act of 1972 in its entirety.

16 Section 55. Subsection (4) of section 381.0012,
17 Florida Statutes, is amended to read:

18 381.0012 Enforcement authority.--

19 (4) The department may appear before any trial court
20 judge ~~magistrate~~ empowered to issue warrants in criminal cases
21 and request the issuance of a warrant. The trial court judge
22 ~~magistrate~~ shall issue a warrant directed to any sheriff,
23 deputy, or police officer to assist in any way to carry out
24 the purpose and intent of this chapter.

25 Section 56. Subsections (3) and (4) of section
26 450.121, Florida Statutes, are amended to read:

27 450.121 Enforcement of Child Labor Law.--

28 (3) It is the duty of any trial court judge ~~magistrate~~
29 of any court in the state to issue warrants and try cases made
30 within the limit of any municipality ~~city~~ over which such
31

1 magistrate has jurisdiction in connection with the violation
2 of this law.

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

8 Section 57. Subsection (2) of section 560.306, Florida
9 Statutes, is amended to read:

10 560.306 Standards.--

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

30 Section 58. Section 633.14, Florida Statutes, is
31 amended to read:

1 633.14 Agents; powers to make arrests, conduct
2 searches and seizures, serve summonses, and carry
3 firearms.--Agents of the State Fire Marshal shall have the
4 same authority to serve summonses, make arrests, carry
5 firearms, and make searches and seizures, as the sheriff or
6 her or his deputies, in the respective counties where such
7 investigations, hearings, or inspections may be held; and
8 affidavits necessary to authorize any such arrests, searches,
9 or seizures may be made before any trial court judge
10 ~~magistrate~~ having authority under the law to issue appropriate
11 processes.

12 Section 59. Paragraph (e) of subsection (1) and
13 paragraph (c) of subsection (2) of section 648.44, Florida
14 Statutes, are amended to read:

15 648.44 Prohibitions; penalty.--

16 (1) A bail bond agent, temporary bail bond agent, or
17 runner may not:

18 (e) Pay a fee or rebate or give or promise anything of
19 value to a jailer, police officer, peace officer, or
20 committing trial court judge ~~magistrate~~ or any other person
21 who has power to arrest or to hold in custody or to any public
22 official or public employee in order to secure a settlement,
23 compromise, remission, or reduction of the amount of any bail
24 bond or estreatment thereof.

25 (2) The following persons or classes shall not be bail
26 bond agents, temporary bail bond agents, or employees of a
27 bail bond agent or a bail bond business and shall not directly
28 or indirectly receive any benefits from the execution of any
29 bail bond:

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

1 Section 60. Subsection (3) of section 817.482, Florida
2 Statutes, is amended to read:

3 817.482 Possessing or transferring device for theft of
4 telecommunications service; concealment of destination of
5 telecommunications service.--

6 (3) Any such instrument, apparatus, equipment, or
7 device, or plans or instructions therefor, referred to in
8 subsections (1) and (2), may be seized by court order or under
9 a search warrant of a judge ~~or magistrate~~ or incident to a
10 lawful arrest; and upon the conviction of any person for a
11 violation of any provision of this act, or s. 817.481, such
12 instrument, apparatus, equipment, device, plans, or
13 instructions either shall be destroyed as contraband by the
14 sheriff of the county in which such person was convicted or
15 turned over to the telephone company in whose territory such
16 instrument, apparatus, equipment, device, plans, or
17 instructions were seized.

18 Section 61. Subsection (5) of section 828.122, Florida
19 Statutes, is amended to read:

20 828.122 Fighting or baiting animals; offenses;
21 penalties.--

22 (5) Whenever an indictment is returned or an
23 information is filed charging a violation of s. 828.12 or of
24 this section and, in the case of an information, a trial court
25 judge ~~magistrate~~ finds probable cause that a violation has
26 occurred, the court shall order the animals seized and shall
27 provide for appropriate and humane care or disposition of the
28 animals. This provision shall not be construed as a
29 limitation on the power to seize animals as evidence at the
30 time of arrest.

31

1 Section 62. Subsection (8) of section 832.05, Florida
2 Statutes, is amended to read:

3 832.05 Giving worthless checks, drafts, and debit card
4 orders; penalty; duty of drawee; evidence; costs; complaint
5 form.--

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

12 Section 63. Section 876.42, Florida Statutes, is
13 amended to read:

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

1 Section 64. Paragraph (a) of subsection (1) of section
2 893.12, Florida Statutes, is amended to read:

3 893.12 Contraband; seizure, forfeiture, sale.--

4 (1) All substances controlled by this chapter and all
5 listed chemicals, which substances or chemicals are handled,
6 delivered, possessed, or distributed contrary to any
7 provisions of this chapter, and all such controlled substances
8 or listed chemicals the lawful possession of which is not
9 established or the title to which cannot be ascertained, are
10 declared to be contraband, are subject to seizure and
11 confiscation by any person whose duty it is to enforce the
12 provisions of the chapter, and shall be disposed of as
13 follows:

14 (a) Except as in this section otherwise provided, the
15 court having jurisdiction shall order such controlled
16 substances or listed chemicals forfeited and destroyed. A
17 record of the place where said controlled substances or listed
18 chemicals were seized, of the kinds and quantities of
19 controlled substances or listed chemicals destroyed, and of
20 the time, place, and manner of destruction shall be kept, and
21 a return under oath reporting said destruction shall be made
22 to the court ~~or magistrate~~ by the officer who destroys them.

23 Section 65. Section 901.01, Florida Statutes, is
24 amended to read:

25 901.01 Judicial officers have ~~to be~~ committing
26 authority ~~magistrates~~.--Each state judicial officer is a
27 conservator of the peace and has ~~a~~ committing ~~magistrate~~ ~~with~~
28 authority to issue warrants of arrest, commit offenders to
29 jail, and recognize them to appear to answer the charge. He
30 or she may require sureties of the peace when the peace has
31 been substantially threatened or disturbed.

1 Section 66. Subsection (1) of section 901.02, Florida
2 Statutes, is amended to read:

3 901.02 When warrant of arrest to be issued.--

4 (1) A warrant may be issued for the arrest of the
5 person complained against if the trial court judge ~~magistrate~~,
6 from the examination of the complainant and other witnesses,
7 reasonably believes that the person complained against has
8 committed an offense within the trial court judge's
9 ~~magistrate's~~ jurisdiction. A warrant is issued at the time it
10 is signed by the trial court judge ~~magistrate~~.

11 Section 67. Section 901.07, Florida Statutes, is
12 amended to read:

13 901.07 Admission to bail when arrest occurs in another
14 county.--

15 (1) When an arrest by a warrant occurs in a county
16 other than the one in which the alleged offense was committed
17 and the warrant issued, if the person arrested has a right to
18 bail, the arresting officer shall inform the person of his or
19 her right and, upon request, shall take the person before a
20 trial court judge ~~magistrate~~ or other official of the same
21 county having authority to admit to bail. The official shall
22 admit the person arrested to bail for his or her appearance
23 before the trial court judge ~~magistrate~~ who issued the
24 warrant.

25 (2) If the person arrested does not have a right to
26 bail or, when informed of his or her right to bail, does not
27 furnish bail immediately, the officer who made the arrest or
28 the officer having the warrant shall take the person before
29 the trial court judge ~~magistrate~~ who issued the warrant.

30 Section 68. Section 901.08, Florida Statutes, is
31 amended to read:

1 901.08 Issue of warrant when offense triable in
2 another county.--

3 (1) When a complaint before a trial court judge
4 ~~magistrate~~ charges the commission of an offense that is
5 punishable by death or life imprisonment and is triable in
6 another county of the state, but it appears that the person
7 against whom the complaint is made is in the county where the
8 complaint is made, the same proceedings for issuing a warrant
9 shall be used as prescribed in this chapter, except that the
10 warrant shall require the person against whom the complaint is
11 made to be taken before a designated trial court judge
12 ~~magistrate~~ of the county in which the offense is triable.

13 (2) If the person arrested has a right to bail, the
14 officer making the arrest shall inform the person of his or
15 her right to bail and, on request, shall take the person
16 before a trial court judge ~~magistrate~~ or other official having
17 authority to admit to bail in the county in which the arrest
18 is made. The official shall admit the person to bail for his
19 or her appearance before the trial court judge ~~magistrate~~
20 designated in the warrant.

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

25 Section 69. Section 901.09, Florida Statutes, is
26 amended to read:

27 901.09 When summons shall be issued.--

28 (1) When the complaint is for an offense that the
29 trial court judge ~~magistrate~~ is empowered to try summarily,
30 the trial court judge ~~magistrate~~ shall issue a summons instead
31 of a warrant, unless she or he reasonably believes that the

1 person against whom the complaint was made will not appear
2 upon a summons, in which event the trial court judge
3 ~~magistrate~~ shall issue a warrant.

4 (2) When the complaint is for a misdemeanor that the
5 trial court judge ~~magistrate~~ is not empowered to try
6 summarily, the trial court judge ~~magistrate~~ shall issue a
7 summons instead of a warrant if she or he reasonably believes
8 that the person against whom the complaint was made will
9 appear upon a summons.

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

14 Section 70. Section 901.11, Florida Statutes, is
15 amended to read:

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

25 Section 71. Section 901.12, Florida Statutes, is
26 amended to read:

27 901.12 Summons against corporation.--When a complaint
28 of an offense is made against a corporation, the trial court
29 judge ~~magistrate~~ shall issue a summons that shall set forth
30 substantially the nature of the offense and command the
31

1 corporation to appear before the trial court judge ~~magistrate~~
2 at a stated time and place.

3 Section 72. Subsection (3) of section 901.25, Florida
4 Statutes, is amended to read:

5 901.25 Fresh pursuit; arrest outside jurisdiction.--

6 (3) If an arrest is made in this state by an officer
7 outside the county within which his or her jurisdiction lies,
8 the officer shall immediately notify the officer in charge of
9 the jurisdiction in which the arrest is made. Such officer in
10 charge of the jurisdiction shall, along with the officer
11 making the arrest, take the person so arrested before a trial
12 ~~county court judge or other committing magistrate~~ of the
13 county in which the arrest was made without unnecessary delay.

14 Section 73. Section 902.15, Florida Statutes, is
15 amended to read:

16 902.15 Undertaking by witness.--When a defendant is
17 held to answer on a charge for a crime punishable by death or
18 life imprisonment, the trial court judge ~~magistrate~~ at the
19 preliminary hearing may require each material witness to enter
20 into a written recognizance to appear at the trial or forfeit
21 a sum fixed by the trial court judge ~~magistrate~~. Additional
22 security may be required in the discretion of the trial court
23 judge ~~magistrate~~.

24 Section 74. Subsections (1), (2), and (3) of section
25 902.17, Florida Statutes, are amended to read:

26 902.17 Procedure when witness does not give
27 security.--

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

1 (2) If the trial court judge ~~magistrate~~ requires a
2 witness to give security for her or his appearance and the
3 witness is unable to give the security, the witness may apply
4 to the court having jurisdiction to try the defendant for a
5 reduction of the security.

6 (3) If it appears from examination on oath of the
7 witness or any other person that the witness is unable to give
8 security, the trial court judge ~~magistrate~~ or the court having
9 jurisdiction to try the defendant shall make an order finding
10 that fact, and the witness shall be detained pending
11 application for her or his conditional examination. Within 3
12 days after ~~from~~ the entry of the order, the witness shall be
13 conditionally examined on application of the state or the
14 defendant. The examination shall be by question and answer in
15 the presence of the other party and counsel, and shall be
16 transcribed by a court reporter or stenographer selected by
17 the parties. At the completion of the examination the witness
18 shall be discharged. The deposition of the witness may be
19 introduced in evidence at the trial by the defendant, or, if
20 the prosecuting attorney and the defendant and the defendant's
21 counsel agree, it may be admitted in evidence by stipulation.
22 The deposition shall not be admitted on behalf of the state
23 without the consent of the defendant.

24 Section 75. Section 902.20, Florida Statutes, is
25 amended to read:

26 902.20 Contempts before committing trial court judge
27 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding
28 a preliminary hearing shall have the same power to punish for
29 contempts that she or he has while presiding at the trial of
30 criminal cases.

31

1 Section 76. Section 902.21, Florida Statutes, is
2 amended to read:

3 902.21 Commitment to jail in another county.--If a
4 person is committed in a county where there is no jail, the
5 committing trial court judge ~~magistrate~~ shall direct the
6 sheriff to deliver the accused to a jail in another county.

7 Section 77. Subsection (1) of section 903.03, Florida
8 Statutes, is amended to read:

9 903.03 Jurisdiction of trial court to admit to bail;
10 duties and responsibilities of Department of Corrections.--

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

18 Section 78. Subsection (2) of section 903.32, Florida
19 Statutes, is amended to read:

20 903.32 Defects in bond.--

21 (2) If no day, or an impossible day, is stated in a
22 bond for the defendant's appearance before a trial court judge
23 ~~magistrate~~ for a hearing, the defendant shall be bound to
24 appear 10 days after receipt of notice to appear by the
25 defendant, the defendant's counsel, or any surety on the
26 undertaking. If no day, or an impossible day, is stated in a
27 bond for the defendant's appearance for trial, the defendant
28 shall be bound to appear on the first day of the next term of
29 court that will commence more than 3 days after the
30 undertaking is given.

31

1 Section 79. Section 903.34, Florida Statutes, is
2 amended to read:

3 903.34 Who may admit to bail.--In criminal actions
4 instituted or pending in any state court, bonds given by
5 defendants before trial until appeal shall be approved by a
6 committing trial court judge ~~magistrate~~ or the sheriff. Appeal
7 bonds shall be approved as provided in s. 924.15.

8 Section 80. Subsection (4) of section 914.22, Florida
9 Statutes, is amended to read:

10 914.22 Tampering with a witness, victim, or
11 informant.--

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

15 (a) That the official proceeding before a judge,
16 court, ~~magistrate~~, grand jury, or government agency is before
17 a judge or court of the state, a state or local grand jury, or
18 a state agency; or

19 (b) That the judge is a judge of the state or that the
20 law enforcement officer is an officer or employee of the state
21 or a person authorized to act for or on behalf of the state or
22 serving the state as an adviser or consultant.

23 Section 81. Section 923.01, Florida Statutes, is
24 amended to read:

25 923.01 Criminal report.--Each committing trial court
26 judge ~~magistrate~~ at the time commitment papers are sent by her
27 or him to the proper trial court, and the sheriff when an
28 arrest is made, other than on a *capias*, shall transmit to the
29 prosecuting attorney of the trial court having jurisdiction, a
30 report in the following form:

31

CRIMINAL REPORT

1
2 Date: Name and address of defendant: Age: If
3 under 18, give name and address of parent, next friend, or
4 guardian: Name of offense, such as murder, assault,
5 robbery, etc.: Date and place where committed: Value
6 of property stolen: Kind of property stolen: Kind of
7 building robbed: Name and address of owner of property
8 stolen or building robbed: Name and address of occupant
9 of building robbed: Name of party assaulted or murdered:
10 Weapon used in assault or murder: Exhibits taken at
11 scene of crime or from defendant: Name of custodian of
12 such exhibits: Location of building or place where
13 offense committed: Previous prison record of defendant:
14 Has defendant been arrested: Does defendant desire
15 to plead guilty: Names and addresses of state witnesses:
16 Name of defendant's lawyer: If defendant is released
17 on bond, names and addresses of sureties: Brief statement
18 of facts: Name of committing trial court judge
19 ~~magistrate~~: If additional space required, use reverse
20 side of this sheet.

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

22 Section 82. Section 933.01, Florida Statutes, is
23 amended to read:

24 933.01 Persons competent to issue search warrant.--A
25 search warrant authorized by law may be issued by any judge,
26 including the ~~judge of any circuit court of this state or~~
27 ~~county court judge, or~~ committing judge of the trial court
28 ~~magistrate~~ having jurisdiction where the place, vehicle, or
29 thing to be searched may be.

30 Section 83. Section 933.06, Florida Statutes, is
31 amended to read:

1 933.06 Sworn application required before
2 issuance.--The judge ~~or magistrate~~ must, before issuing the
3 warrant, have the application of some person for said warrant
4 duly sworn to and subscribed, and may receive further
5 testimony from witnesses or supporting affidavits, or
6 depositions in writing, to support the application. The
7 affidavit and further proof, if same be had or required, must
8 set forth the facts tending to establish the grounds of the
9 application or probable cause for believing that they exist.

10 Section 84. Subsection (1) of section 933.07, Florida
11 Statutes, is amended to read:

12 933.07 Issuance of search warrants.--

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

25 Section 85. Section 933.10, Florida Statutes, is
26 amended to read:

27 933.10 Execution of search warrant during day or
28 night.--A search warrant issued under ~~the provisions of this~~
29 chapter may, if expressly authorized in such warrant by the
30 judge ~~or magistrate issuing the same~~, be executed by being
31

1 served either in the daytime or in the nighttime, as the
2 exigencies of the occasion may demand or require.

3 Section 86. Section 933.101, Florida Statutes, is
4 amended to read:

5 933.101 Service on Sunday.--A search warrant may be
6 executed by being served on Sunday, if expressly authorized in
7 such warrant by the judge ~~or magistrate issuing the same~~.

8 Section 87. Section 933.13, Florida Statutes, is
9 amended to read:

10 933.13 Copy of inventory shall be delivered upon
11 request.--The judge ~~or magistrate~~ to whom the warrant is
12 returned, upon the request of any claimant or any person from
13 whom said property is taken, or the officer who executed the
14 search warrant, shall deliver to said applicant a true copy of
15 the inventory of the property mentioned in the return on said
16 warrant.

17 Section 88. Subsections (1), (3), and (4) of section
18 933.14, Florida Statutes, are amended to read:

19 933.14 Return of property taken under search
20 warrant.--

21 (1) If it appears to the ~~magistrate or~~ judge before
22 whom the warrant is returned that the property or papers taken
23 are not the same as that described in the warrant, or that
24 there is no probable cause for believing the existence of the
25 grounds upon which the warrant was issued, or if it appears to
26 the judge ~~magistrate~~ before whom any property is returned that
27 the property was secured by an "unreasonable" search, the
28 judge ~~or magistrate~~ may order a return of the property taken;
29 provided, however, that in no instance shall contraband such
30 as slot machines, gambling tables, lottery tickets, tally
31 sheets, rundown sheets, or other gambling devices,

1 paraphernalia and equipment, or narcotic drugs, obscene prints
2 and literature be returned to anyone claiming an interest
3 therein, it being the specific intent of the Legislature that
4 no one has any property rights subject to be protected by any
5 constitutional provision in such contraband; provided,
6 further, that the claimant of said contraband may upon sworn
7 petition and proof submitted by him or her in the circuit
8 court of the county where seized, show that said contraband
9 articles so seized were held, used or possessed in a lawful
10 manner, for a lawful purpose, and in a lawful place, the
11 burden of proof in all cases being upon the claimant. The
12 sworn affidavit or complaint upon which the search warrant was
13 issued or the testimony of the officers showing probable cause
14 to search without a warrant or incident to a legal arrest, and
15 the finding of such slot machines, gambling tables, lottery
16 tickets, tally sheets, rundown sheets, scratch sheets, or
17 other gambling devices, paraphernalia, and equipment,
18 including money used in gambling or in furtherance of
19 gambling, or narcotic drugs, obscene prints and literature, or
20 any of them, shall constitute prima facie evidence of the
21 illegal possession of such contraband and the burden shall be
22 upon the claimant for the return thereof, to show that such
23 contraband was lawfully acquired, possessed, held, and used.

24 (3) No pistol or firearm taken by any officer with a
25 search warrant or without a search warrant upon a view by the
26 officer of a breach of the peace shall be returned except
27 pursuant to an order of a trial ~~circuit judge or a county~~
28 court judge.

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

1 evidence at any trial of any criminal or penal cause growing
2 out of the having or possession of said property, but
3 perishable property held or possessed in violation of law may
4 be sold where the same is not prohibited, as may be directed
5 by the court, or returned to the person from whom taken. The
6 judge ~~or magistrate~~ to whom said search warrant is returned
7 shall file the same with the inventory and sworn return in the
8 proper office, and if the original affidavit and proofs upon
9 which the warrant was issued are in his or her possession, he
10 or she shall apply to the officer having the same and the
11 officer shall transmit and deliver all of the papers, proofs,
12 and certificates to the proper office where the proceedings
13 are lodged.

14 Section 89. Section 939.02, Florida Statutes, is
15 amended to read:

16 939.02 Costs before committing trial court judge
17 ~~magistrate~~.--All costs accruing before a committing trial
18 court judge ~~magistrate~~ shall be taxed against the defendant on
19 conviction or estreat of recognizance.

20 Section 90. Section 939.14, Florida Statutes, is
21 amended to read:

22 939.14 County not to pay costs in cases where
23 information is not filed or indictment found.--When a
24 committing trial court judge ~~magistrate~~ holds to bail or
25 commits any person to answer a criminal charge in a county
26 court or a circuit court, and an information is not filed nor
27 an indictment found against such person, the costs of such
28 committing trial shall not be paid by the county, except the
29 costs for executing the warrant.

30 Section 91. Section 941.13, Florida Statutes, is
31 amended to read:

1 941.13 Arrest prior to requisition.--Whenever any
2 person within this state shall be charged on the oath of any
3 credible person before any judge ~~or magistrate~~ of this state
4 with the commission of any crime in any other state, and,
5 except in cases arising under s. 941.06, with having fled from
6 justice or with having been convicted of a crime in that state
7 and having escaped from confinement, or having broken the
8 terms of his or her bail, probation, or parole, or whenever
9 complaint shall have been made before any judge ~~or magistrate~~
10 in this state setting forth on the affidavit of any credible
11 person in another state that a crime has been committed in
12 such other state and that the accused has been charged in such
13 state with the commission of the crime, and, except in cases
14 arising under s. 941.06, has fled from justice, or with having
15 been convicted of a crime in that state and having escaped
16 from confinement, or having broken the terms of his or her
17 bail, probation, or parole, and is believed to be in this
18 state, the judge ~~or magistrate~~ shall issue a warrant directed
19 to any peace officer commanding him or her to apprehend the
20 person named therein, wherever the person may be found in this
21 state, and to bring the person before the same or any other
22 judge, ~~magistrate,~~ or court who or which may be available in,
23 or convenient of, access to the place where the arrest may be
24 made, to answer the charge or complaint and affidavit, and a
25 certified copy of the sworn charge or complaint and affidavit
26 upon which the warrant is issued shall be attached to the
27 warrant.

28 Section 92. Section 941.14, Florida Statutes, is
29 amended to read:

30 941.14 Arrest without a warrant.--The arrest of a
31 person may be lawfully made also by any peace officer or a

1 private person, without a warrant upon reasonable information
2 that the accused stands charged in the courts of a state with
3 a crime punishable by death or imprisonment for a term
4 exceeding 1 year, but when so arrested the accused must be
5 taken before a judge ~~or magistrate~~ with all practicable speed
6 and complaint must be made against the accused under oath
7 setting forth the ground for the arrest as in the preceding
8 section; and thereafter his or her answer shall be heard as if
9 the accused had been arrested on a warrant.

10 Section 93. Section 941.15, Florida Statutes, is
11 amended to read:

12 941.15 Commitment to await requisition; bail.--If from
13 the examination before the judge ~~or magistrate~~ it appears that
14 the person held is the person charged with having committed
15 the crime alleged and, except in cases arising under s.
16 941.06, that the person has fled from justice, the judge ~~or~~
17 ~~magistrate~~ must, by a warrant reciting the accusation, commit
18 the person to the county jail for such a time not exceeding 30
19 days and specified in the warrant, ~~as will enable the arrest~~
20 of the accused to be made under a warrant of the Governor on a
21 requisition of the executive authority of the state having
22 jurisdiction of the offense, unless the accused gives ~~give~~
23 bail as provided in s. 941.16 ~~the next section~~, or until the
24 accused shall be legally discharged.

25 Section 94. Section 941.17, Florida Statutes, is
26 amended to read:

27 941.17 Extension of time of commitment,
28 adjournment.--If the accused is not arrested under warrant of
29 the Governor by the expiration of the time specified in the
30 warrant or bond, a judge ~~or magistrate~~ may discharge the
31 accused or may recommit him or her for a further period not to

1 exceed 60 days, or a judge ~~or magistrate judge~~ may again take
2 bail for his or her appearance and surrender, as provided in
3 s. 941.16, but within a period not to exceed 60 days after the
4 date of such new bond.

5 Section 95. Section 941.18, Florida Statutes, is
6 amended to read:

7 941.18 Forfeiture of bail.--If the prisoner is
8 admitted to bail, and fails to appear and surrender himself or
9 herself according to the conditions of his or her bond, the
10 judge, ~~or magistrate by proper order~~, shall declare the bond
11 forfeited and order his or her immediate arrest without
12 warrant if he or she is ~~be~~ within this state. Recovery may be
13 had on such bond in the name of the state as in the case of
14 other bonds given by the accused in criminal proceedings
15 within this state.

16 Section 96. Subsection (2) of section 947.141, Florida
17 Statutes, is amended to read:

18 947.141 Violations of conditional release, control
19 release, or conditional medical release or addiction-recovery
20 supervision.--

21 (2) Upon the arrest on a felony charge of an offender
22 who is on release supervision under s. 947.1405, s. 947.146,
23 s. 947.149, or s. 944.4731, the offender must be detained
24 without bond until the initial appearance of the offender at
25 which a judicial determination of probable cause is made. If
26 the trial court judge ~~magistrate~~ determines that there was no
27 probable cause for the arrest, the offender may be released.
28 If the trial court judge ~~magistrate~~ determines that there was
29 probable cause for the arrest, such determination also
30 constitutes reasonable grounds to believe that the offender
31 violated the conditions of the release. Within 24 hours after

1 the trial court judge's ~~magistrate's~~ finding of probable
2 cause, the detention facility administrator or designee shall
3 notify the commission and the department of the finding and
4 transmit to each a facsimile copy of the probable cause
5 affidavit or the sworn offense report upon which the trial
6 court judge's ~~magistrate's~~ probable cause determination is
7 based. The offender must continue to be detained without bond
8 for a period not exceeding 72 hours excluding weekends and
9 holidays after the date of the probable cause determination,
10 pending a decision by the commission whether to issue a
11 warrant charging the offender with violation of the conditions
12 of release. Upon the issuance of the commission's warrant, the
13 offender must continue to be held in custody pending a
14 revocation hearing held in accordance with this section.

15 Section 97. Subsection (1) of section 948.06, Florida
16 Statutes, is amended to read:

17 948.06 Violation of probation or community control;
18 revocation; modification; continuance; failure to pay
19 restitution or cost of supervision.--

20 (1) Whenever within the period of probation or
21 community control there are reasonable grounds to believe that
22 a probationer or offender in community control has violated
23 his or her probation or community control in a material
24 respect, any law enforcement officer who is aware of the
25 probationary or community control status of the probationer or
26 offender in community control or any parole or probation
27 supervisor may arrest or request any county or municipal law
28 enforcement officer to arrest such probationer or offender
29 without warrant wherever found and forthwith return him or her
30 to the court granting such probation or community control. Any
31 committing trial court judge ~~magistrate~~ may issue a warrant,

1 upon the facts being made known to him or her by affidavit of
2 one having knowledge of such facts, for the arrest of the
3 probationer or offender, returnable forthwith before the court
4 granting such probation or community control. Any parole or
5 probation supervisor, any officer authorized to serve criminal
6 process, or any peace officer of this state is authorized to
7 serve and execute such warrant. Upon the filing of an
8 affidavit alleging a violation of probation or community
9 control and following issuance of a warrant under s. 901.02,
10 the probationary period is tolled until the court enters a
11 ruling on the violation. Notwithstanding the tolling of
12 probation as provided in this subsection, the court shall
13 retain jurisdiction over the offender for any violation of the
14 conditions of probation or community control that is alleged
15 to have occurred during the tolling period. The probation
16 officer is permitted to continue to supervise any offender who
17 remains available to the officer for supervision until the
18 supervision expires pursuant to the order of probation or
19 community control or until the court revokes or terminates the
20 probation or community control, whichever comes first. The
21 court, upon the probationer or offender being brought before
22 it, shall advise him or her of such charge of violation and,
23 if such charge is admitted to be true, may forthwith revoke,
24 modify, or continue the probation or community control or
25 place the probationer into a community control program. If
26 probation or community control is revoked, the court shall
27 adjudge the probationer or offender guilty of the offense
28 charged and proven or admitted, unless he or she has
29 previously been adjudged guilty, and impose any sentence which
30 it might have originally imposed before placing the
31 probationer on probation or the offender into community

1 control. If such violation of probation or community control
2 is not admitted by the probationer or offender, the court may
3 commit him or her or release him or her with or without bail
4 to await further hearing, or it may dismiss the charge of
5 probation or community control violation. If such charge is
6 not at that time admitted by the probationer or offender and
7 if it is not dismissed, the court, as soon as may be
8 practicable, shall give the probationer or offender an
9 opportunity to be fully heard on his or her behalf in person
10 or by counsel. After such hearing, the court may revoke,
11 modify, or continue the probation or community control or
12 place the probationer into community control. If such
13 probation or community control is revoked, the court shall
14 adjudge the probationer or offender guilty of the offense
15 charged and proven or admitted, unless he or she has
16 previously been adjudged guilty, and impose any sentence which
17 it might have originally imposed before placing the
18 probationer or offender on probation or into community
19 control. Notwithstanding s. 775.082, when a period of
20 probation or community control has been tolled, upon
21 revocation or modification of the probation or community
22 control, the court may impose a sanction with a term that when
23 combined with the amount of supervision served and tolled,
24 exceeds the term permissible pursuant to s. 775.082 for a term
25 up to the amount of the tolled period supervision. If the
26 court dismisses an affidavit alleging a violation of probation
27 or community control, the offender's probation or community
28 control shall continue as previously imposed, and the offender
29 shall receive credit for all tolled time against his or her
30 term of probation or community control.
31

1 Section 98. Paragraph (b) of subsection (4) of section
2 985.05, Florida Statutes, is amended to read:

3 985.05 Court records.--

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

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

11 Section 99. Section 56.071, Florida Statutes, is
12 amended to read:

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

28 Section 100. Subsections (2), (7), and (10) of section
29 56.29, Florida Statutes, are amended to read:

30 56.29 Proceedings supplementary.--

31

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

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

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

15 Section 101. Subsection (4) of section 61.1826,
16 Florida Statutes, is amended to read:

17 61.1826 Procurement of services for State Disbursement
18 Unit and the non-Title IV-D component of the State Case
19 Registry; contracts and cooperative agreements; penalties;
20 withholding payment.--

21 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The
22 contract between the Florida Association of Court Clerks and
23 the department, and cooperative agreements entered into by the
24 depositories and the department, must contain, but are not
25 limited to, the following terms:

26 (a) The initial term of the contract and cooperative
27 agreements is for 5 years. The subsequent term of the contract
28 and cooperative agreements is for 3 years, with the option of
29 two 1-year renewal periods, at the sole discretion of the
30 department.

31

1 (b) The duties and responsibilities of the Florida
2 Association of Court Clerks, the depositories, and the
3 department.

4 (c) Under s. 287.058(1)(a), all providers and
5 subcontractors shall submit to the department directly, or
6 through the Florida Association of Court Clerks, a report of
7 monthly expenditures in a format prescribed by the department
8 and in sufficient detail for a proper preaudit and postaudit
9 thereof.

10 (d) All providers and subcontractors shall submit to
11 the department directly, or through the Florida Association of
12 Court Clerks, management reports in a format prescribed by the
13 department.

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

16 (f) Federal financial participation for eligible Title
17 IV-D expenditures incurred by the Florida Association of Court
18 Clerks and the depositories shall be at the maximum level
19 permitted by federal law for expenditures incurred for the
20 provision of services in support of child support enforcement
21 in accordance with 45 C.F.R. part 74 and Federal Office of
22 Management and Budget Circulars A-87 and A-122 and based on an
23 annual cost allocation study of each depository. The
24 depositories shall submit directly, or through the Florida
25 Association of Court Clerks, claims for Title IV-D
26 expenditures monthly to the department in a standardized
27 format as prescribed by the department. The Florida
28 Association of Court Clerks shall contract with a certified
29 public accounting firm, selected by the Florida Association of
30 Court Clerks and the department, to audit and certify
31

1 quarterly to the department all claims for expenditures
2 submitted by the depositories for Title IV-D reimbursement.

3 (g) Upon termination of the contracts between the
4 department and the Florida Association of Court Clerks or the
5 depositories, the Florida Association of Court Clerks, its
6 agents, and the depositories shall assist the department in
7 making an orderly transition to a private vendor.

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

10

11 If either the department or the Florida Association of Court
12 Clerks objects to a term of the standard cooperative agreement
13 or contract specified in subsections (2) and (3), the disputed
14 term or terms shall be presented jointly by the parties to the
15 Attorney General or the Attorney General's designee, who shall
16 act as special magistrate ~~master~~. The special magistrate
17 ~~master~~ shall resolve the dispute in writing within 10 days.
18 The resolution of a dispute by the special magistrate ~~master~~
19 is binding on the department and the Florida Association of
20 Court Clerks.

21 Section 102. Section 64.061, Florida Statutes, is
22 amended to read:

23 64.061 Partition of property; commissioners; special
24 magistrate ~~master~~.--

25 (1) APPOINTMENT AND REMOVAL.--When a judgment of
26 partition is made, the court shall appoint three suitable
27 persons as commissioners to make the partition. They shall be
28 selected by the court unless agreed on by the parties. They
29 may be removed by the court for good cause and others
30 appointed in their places.

31

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

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

19 (4) APPOINTMENT OF SPECIAL MAGISTRATE ~~MASTER~~ WHERE
20 PROPERTY NOT SUBJECT TO PARTITION.--On an uncontested
21 allegation in a pleading that the property sought to be
22 partitioned is indivisible and is not subject to partition
23 without prejudice to the owners of it or if a judgment of
24 partition is entered and the court is satisfied that the
25 allegation is correct, on motion of any party and notice to
26 the others the court may appoint a special magistrate ~~master~~
27 or the clerk to make sale of the property either at private
28 sale or as provided by s. 64.071.

29 Section 103. Subsection (5) of section 65.061, Florida
30 Statutes, is amended to read:

31 65.061 Quieting title; additional remedy.--

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

6 Section 104. Section 69.051, Florida Statutes, is
7 amended to read:

8 69.051 General and special magistrates ~~Masters in~~
9 ~~chancery~~; compensation.--General and special magistrates
10 appointed by the court ~~Masters in chancery~~ shall be allowed
11 such compensation for any services as the court deems
12 reasonable, including time consumed in legal research required
13 in preparing and summarizing their findings of fact and law.

14 Section 105. Section 70.51, Florida Statutes, is
15 amended to read:

16 70.51 Land use and environmental dispute resolution.--

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

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

20 (a) "Development order" means any order, or notice of
21 proposed state or regional governmental agency action, which
22 is or will have the effect of granting, denying, or granting
23 with conditions an application for a development permit, and
24 includes the rezoning of a specific parcel. Actions by the
25 state or a local government on comprehensive plan amendments
26 are not development orders.

27 (b) "Development permit" means any building permit,
28 zoning permit, subdivision approval, certification, special
29 exception, variance, or any other similar action of local
30 government, as well as any permit authorized to be issued
31 under state law by state, regional, or local government which

1 has the effect of authorizing the development of real property
2 including, but not limited to, programs implementing chapters
3 125, 161, 163, 166, 187, 258, 372, 373, 378, 380, and 403.

4 (c) "Special magistrate ~~master~~" means a person
5 selected by the parties to perform the duties prescribed in
6 this section. The special magistrate ~~master~~ must be a
7 resident of the state and possess experience and expertise in
8 mediation and at least one of the following disciplines and a
9 working familiarity with the others: land use and
10 environmental permitting, land planning, land economics, local
11 and state government organization and powers, and the law
12 governing the same.

13 (d) "Owner" means a person with a legal or equitable
14 interest in real property who filed an application for a
15 development permit for the property at the state, regional, or
16 local level and who received a development order, or who holds
17 legal title to real property that is subject to an enforcement
18 action of a governmental entity.

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

21 (f) "Governmental entity" includes an agency of the
22 state, a regional or a local government created by the State
23 Constitution or by general or special act, any county or
24 municipality, or any other entity that independently exercises
25 governmental authority. The term does not include the United
26 States or any of its agencies.

27 (g) "Land" or "real property" means land and includes
28 any appurtenances and improvements to the land, including any
29 other relevant real property in which the owner had a relevant
30 interest.

31

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

8 (4) To initiate a proceeding under this section, an
9 owner must file a request for relief with the elected or
10 appointed head of the governmental entity that issued the
11 development order or orders, or that initiated the enforcement
12 action. The head of the governmental entity may not charge
13 the owner for the request for relief and must forward the
14 request for relief to the special magistrate ~~master~~ who is
15 mutually agreed upon by the owner and the governmental entity
16 within 10 days after receipt of the request.

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

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

22 (b) Any substantially affected party who submitted
23 oral or written testimony, sworn or unsworn, of a substantive
24 nature which stated with particularity objections to or
25 support for any development order at issue or enforcement
26 action at issue. Notice under this paragraph is required only
27 if that party indicated a desire to receive notice of any
28 subsequent special magistrate ~~master~~ proceedings occurring on
29 the development order or enforcement action. Each governmental
30 entity must maintain in its files relating to particular
31 development orders a mailing list of persons who have

1 presented oral or written testimony and who have requested
2 notice.

3 (6) The request for relief must contain:

4 (a) A brief statement of the owner's proposed use of
5 the property.

6 (b) A summary of the development order or description
7 of the enforcement action. A copy of the development order or
8 the documentation of an enforcement action at issue must be
9 attached to the request.

10 (c) A brief statement of the impact of the development
11 order or enforcement action on the ability of the owner to
12 achieve the proposed use of the property.

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

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

18 (8) The special magistrate ~~master~~ may conduct a
19 hearing on whether the request for relief should be dismissed
20 for failing to include the information required in subsection
21 (6). If the special magistrate ~~master~~ dismisses the case, the
22 special magistrate ~~master~~ shall allow the owner to amend the
23 request and refile. Failure to file an adequate amended
24 request within the time specified shall result in a dismissal
25 with prejudice as to this proceeding.

26 (9) By requesting relief under this section, the owner
27 consents to grant the special magistrate ~~master~~ and the
28 parties reasonable access to the real property with advance
29 notice at a time and in a manner acceptable to the owner of
30 the real property.

31

1 (10)(a) Before initiating a special magistrate ~~master~~
2 proceeding to review a local development order or local
3 enforcement action, the owner must exhaust all nonjudicial
4 local government administrative appeals if the appeals take no
5 longer than 4 months. Once nonjudicial local administrative
6 appeals are exhausted and the development order or enforcement
7 action is final, or within 4 months after issuance of the
8 development order or notice of the enforcement action if the
9 owner has pursued local administrative appeals even if the
10 appeals have not been concluded, the owner may initiate a
11 proceeding under this section. Initiation of a proceeding
12 tolls the time for seeking judicial review of a local
13 government development order or enforcement action until the
14 special magistrate's ~~master's~~ recommendation is acted upon by
15 the local government. Election by the owner to file for
16 judicial review of a local government development order or
17 enforcement action prior to initiating a proceeding under this
18 section waives any right to a special magistrate ~~master~~
19 proceeding.

20 (b) If an owner requests ~~special master~~ relief under
21 this section from a development order or enforcement action
22 issued by a state or regional agency, the time for challenging
23 agency action under ss. 120.569 and 120.57 is tolled. If an
24 owner chooses to bring a proceeding under ss. 120.569 and
25 120.57 before initiating a ~~special master~~ proceeding under
26 this section, then the owner waives any right to a special
27 magistrate ~~master~~ proceeding unless all parties consent to
28 proceeding to mediation.

29 (11) The initial party to the proceeding is the
30 governmental entity that issues the development order to the
31 owner or that is taking the enforcement action. In those

1 instances when the development order or enforcement action is
2 the culmination of a process involving more than one
3 governmental entity or when a complete resolution of all
4 relevant issues would require the active participation of more
5 than one governmental entity, the special magistrate ~~master~~
6 may, upon application of a party, join those governmental
7 entities as parties to the proceeding if it will assist in
8 effecting the purposes of this section, and those governmental
9 entities so joined shall actively participate in the
10 procedure.

11 (12) Within 21 days after receipt of the request for
12 relief, any owner of land contiguous to the owner's property
13 and any substantially affected person who submitted oral or
14 written testimony, sworn or unsworn, of a substantive nature
15 which stated with particularity objections to or support for
16 the development order or enforcement action at issue may
17 request to participate in the proceeding. Those persons may
18 be permitted to participate in the hearing but shall not be
19 granted party or intervenor status. The participation of such
20 persons is limited to addressing issues raised regarding
21 alternatives, variances, and other types of adjustment to the
22 development order or enforcement action which may impact their
23 substantial interests, including denial of the development
24 order or application of an enforcement action.

25 (13) Each party must make efforts to assure that those
26 persons qualified by training or experience necessary to
27 address issues raised by the request or by the special
28 magistrate ~~master~~ and further qualified to address
29 alternatives, variances, and other types of modifications to
30 the development order or enforcement action are present at the
31 hearing.

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

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

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

13 (16)(a) Fifteen days following the filing of a request
14 for relief, the governmental entity that issued the
15 development order or that is taking the enforcement action
16 shall file a response to the request for relief with the
17 special magistrate ~~master~~ together with a copy to the owner.
18 The response must set forth in reasonable detail the position
19 of the governmental entity regarding the matters alleged by
20 the owner. The response must include a brief statement
21 explaining the public purpose of the regulations on which the
22 development order or enforcement action is based.

23 (b) Any governmental entity that is added by the
24 special magistrate ~~master~~ as a party must file a response to
25 the request for relief prior to the hearing but not later than
26 15 days following its admission.

27 (c) Any party may incorporate in the response to the
28 request for relief a request to be dropped from the
29 proceeding. The request to be dropped must set forth facts
30 and circumstances relevant to aid the special magistrate
31 ~~master~~ in ruling on the request. All requests to be dropped

1 must be disposed of prior to conducting any hearings on the
2 merits of the request for relief.

3 (17) In all respects, the hearing must be informal and
4 open to the public and does not require the use of an
5 attorney. The hearing must operate at the direction and under
6 the supervision of the special magistrate ~~master~~. The object
7 of the hearing is to focus attention on the impact of the
8 governmental action giving rise to the request for relief and
9 to explore alternatives to the development order or
10 enforcement action and other regulatory efforts by the
11 governmental entities in order to recommend relief, when
12 appropriate, to the owner.

13 (a) The first responsibility of the special magistrate
14 ~~master~~ is to facilitate a resolution of the conflict between
15 the owner and governmental entities to the end that some
16 modification of the owner's proposed use of the property or
17 adjustment in the development order or enforcement action or
18 regulatory efforts by one or more of the governmental parties
19 may be reached. Accordingly, the special magistrate ~~master~~
20 shall act as a facilitator or mediator between the parties in
21 an effort to effect a mutually acceptable solution. The
22 parties shall be represented at the mediation by persons with
23 authority to bind their respective parties to a solution, or
24 by persons with authority to recommend a solution directly to
25 the persons with authority to bind their respective parties to
26 a solution.

27 (b) If an acceptable solution is not reached by the
28 parties after the special magistrate's ~~master's~~ attempt at
29 mediation, the special magistrate ~~master~~ shall consider the
30 facts and circumstances set forth in the request for relief
31 and any responses and any other information produced at the

1 hearing in order to determine whether the action by the
2 governmental entity or entities is unreasonable or unfairly
3 burdens the real property.

4 (c) In conducting the hearing, the special magistrate
5 ~~master~~ may hear from all parties and witnesses that are
6 necessary to an understanding of the matter. The special
7 magistrate ~~master~~ shall weigh all information offered at the
8 hearing.

9 (18) The circumstances to be examined in determining
10 whether the development order or enforcement action, or the
11 development order or enforcement action in conjunction with
12 regulatory efforts of other governmental parties, is
13 unreasonable or unfairly burdens use of the property may
14 include, but are not limited to:

15 (a) The history of the real property, including when
16 it was purchased, how much was purchased, where it is located,
17 the nature of the title, the composition of the property, and
18 how it was initially used.

19 (b) The history or development and use of the real
20 property, including what was developed on the property and by
21 whom, if it was subdivided and how and to whom it was sold,
22 whether plats were filed or recorded, and whether
23 infrastructure and other public services or improvements may
24 have been dedicated to the public.

25 (c) The history of environmental protection and land
26 use controls and other regulations, including how and when the
27 land was classified, how use was proscribed, and what changes
28 in classifications occurred.

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

31

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

5 (f) The public purpose sought to be achieved by the
6 development order or enforcement action, including the nature
7 and magnitude of the problem addressed by the underlying
8 regulations on which the development order or enforcement
9 action is based; whether the development order or enforcement
10 action is necessary to the achievement of the public purpose;
11 and whether there are alternative development orders or
12 enforcement action conditions that would achieve the public
13 purpose and allow for reduced restrictions on the use of the
14 property.

15 (g) Uses authorized for and restrictions placed on
16 similar property.

17 (h) Any other information determined relevant by the
18 special magistrate ~~master~~.

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

22 (a) If the special magistrate ~~master~~ finds that the
23 development order at issue, or the development order or
24 enforcement action in combination with the actions or
25 regulations of other governmental entities, is not
26 unreasonable or does not unfairly burden the use of the
27 owner's property, the special magistrate ~~master~~ must recommend
28 that the development order or enforcement action remain
29 undisturbed and the proceeding shall end, subject to the
30 owner's retention of all other available remedies.

31

1 (b) If the special magistrate ~~master~~ finds that the
2 development order or enforcement action, or the development
3 order or enforcement action in combination with the actions or
4 regulations of other governmental entities, is unreasonable or
5 unfairly burdens use of the owner's property, the special
6 magistrate ~~master~~, with the owner's consent to proceed, may
7 recommend one or more alternatives that protect the public
8 interest served by the development order or enforcement action
9 and regulations at issue but allow for reduced restraints on
10 the use of the owner's real property, including, but not
11 limited to:

12 1. An adjustment of land development or permit
13 standards or other provisions controlling the development or
14 use of land.

15 2. Increases or modifications in the density,
16 intensity, or use of areas of development.

17 3. The transfer of development rights.

18 4. Land swaps or exchanges.

19 5. Mitigation, including payments in lieu of onsite
20 mitigation.

21 6. Location on the least sensitive portion of the
22 property.

23 7. Conditioning the amount of development or use
24 permitted.

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

27 9. Issuance of the development order, a variance,
28 special exception, or other extraordinary relief, including
29 withdrawal of the enforcement action.

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

1 (c) This subsection does not prohibit the owner and
2 governmental entity from entering in to an agreement as to the
3 permissible use of the property prior to the special
4 magistrate ~~master~~ entering a recommendation. An agreement for
5 a permissible use must be incorporated in the special
6 magistrate's ~~master's~~ recommendation.

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

12 (21) Within 45 days after receipt of the special
13 magistrate's ~~master's~~ recommendation, the governmental entity
14 responsible for the development order or enforcement action
15 and other governmental entities participating in the
16 proceeding must consult among themselves and each governmental
17 entity must:

18 (a) Accept the recommendation of the special
19 magistrate ~~master~~ as submitted and proceed to implement it by
20 development agreement, when appropriate, or by other method,
21 in the ordinary course and consistent with the rules and
22 procedures of that governmental entity. However, the decision
23 of the governmental entity to accept the recommendation of the
24 special magistrate ~~master~~ with respect to granting a
25 modification, variance, or special exception to the
26 application of statutes, rules, regulations, or ordinances as
27 they would otherwise apply to the subject property does not
28 require an owner to duplicate previous processes in which the
29 owner has participated in order to effectuate the granting of
30 the modification, variance, or special exception;

31

1 (b) Modify the recommendation as submitted by the
2 special magistrate ~~master~~ and proceed to implement it by
3 development agreement, when appropriate, or by other method,
4 in the ordinary course and consistent with the rules and
5 procedures of that governmental entity; or

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

11 (22) If a governmental entity accepts the special
12 magistrate's ~~master's~~ recommendation or modifies it and the
13 owner rejects the acceptance or modification, or if a
14 governmental entity rejects the special magistrate's ~~master's~~
15 recommendation, the governmental entity must issue a written
16 decision within 30 days that describes as specifically as
17 possible the use or uses available to the subject real
18 property.

19 (23) The procedure established by this section may not
20 continue longer than 165 days, unless the period is extended
21 by agreement of the parties. A decision describing available
22 uses constitutes the last prerequisite to judicial action and
23 the matter is ripe or final for subsequent judicial
24 proceedings unless the owner initiates a proceeding under ss.
25 120.569 and 120.57. If the owner brings a proceeding under ss.
26 120.569 and 120.57, the matter is ripe when the proceeding
27 culminates in a final order whether further appeal is
28 available or not.

29 (24) The procedure created by this section is not
30 itself, nor does it create, a judicial cause of action. Once
31 the governmental entity acts on the special magistrate's

1 ~~master's~~ recommendation, the owner may elect to file suit in a
2 court of competent jurisdiction. Invoking the procedures of
3 this section is not a condition precedent to filing a civil
4 action.

5 (25) Regardless of the action the governmental entity
6 takes on the special magistrate's ~~master's~~ recommendation, a
7 recommendation that the development order or enforcement
8 action, or the development order or enforcement action in
9 combination with other governmental regulatory actions, is
10 unreasonable or unfairly burdens use of the owner's real
11 property may serve as an indication of sufficient hardship to
12 support modification, variances, or special exceptions to the
13 application of statutes, rules, regulations, or ordinances to
14 the subject property.

15 (26) A special magistrate's ~~master's~~ recommendation
16 under this section constitutes data in support of, and a
17 support document for, a comprehensive plan or comprehensive
18 plan amendment, but is not, in and of itself, dispositive of a
19 determination of compliance with chapter 163. Any
20 comprehensive plan amendment necessary to carry out the
21 approved recommendation of a special magistrate ~~master~~ under
22 this section is exempt from the twice-a-year limit on plan
23 amendments and may be adopted by the local government
24 amendments in s. 163.3184(16)(d).

25 (27) The special magistrate ~~master~~ shall send a copy
26 of the recommendation in each case to the Department of Legal
27 Affairs. Each governmental entity, within 15 days after its
28 action on the special magistrate's ~~master's~~ recommendation,
29 shall notify the Department of Legal Affairs in writing as to
30 what action the governmental entity took on the special
31 magistrate's ~~master's~~ recommendation.

1 (28) Each governmental entity may establish procedural
2 guidelines to govern the conduct of proceedings authorized by
3 this section, which must include, but are not limited to,
4 payment of special magistrate ~~master~~ fees and expenses,
5 including the costs of providing notice and effecting service
6 of the request for relief under this section, which shall be
7 borne equally by the governmental entities and the owner.

8 (29) This section shall be liberally construed to
9 effect fully its obvious purposes and intent, and governmental
10 entities shall direct all available resources and authorities
11 to effect fully the obvious purposes and intent of this
12 section in resolving disputes. Governmental entities are
13 encouraged to expedite notice and time-related provisions to
14 implement resolution of disputes under this section. The
15 procedure established by this section may be used to resolve
16 disputes in pending judicial proceedings, with the agreement
17 of the parties to the judicial proceedings, and subject to the
18 approval of the court in which the judicial proceedings are
19 pending. The provisions of this section are cumulative, and
20 do not supplant other methods agreed to by the parties and
21 lawfully available for arbitration, mediation, or other forms
22 of alternative dispute resolution.

23 (30) This section applies only to development orders
24 issued, modified, or amended, or to enforcement actions
25 issued, on or after October 1, 1995.

26 Section 106. Subsection (1) of section 92.142, Florida
27 Statutes, is amended to read:

28 92.142 Witnesses; pay.--

29 (1) Witnesses in all cases, civil and criminal, in all
30 courts, now or hereafter created, and witnesses summoned
31 before any arbitrator or general or special magistrate

1 appointed by the court ~~master in chancery~~ shall receive for
2 each day's actual attendance \$5 and also 6 cents per mile for
3 actual distance traveled to and from the courts. A witness in
4 a criminal case required to appear in a county other than the
5 county of his or her residence and residing more than 50 miles
6 from the location of the trial shall be entitled to per diem
7 and travel expenses at the same rate provided for state
8 employees under s. 112.061, in lieu of any other witness fee
9 at the discretion of the court.

10 Section 107. Section 112.41, Florida Statutes, is
11 amended to read:

12 112.41 Contents of order of suspension; Senate select
13 committee; special magistrate ~~examiner~~.--

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

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

21 (3) The Senate may provide for a select committee to
22 be appointed by the Senate in accordance with its rules for
23 the purpose of hearing the evidence and making its
24 recommendation to the Senate as to the removal or
25 reinstatement of the suspended officer.

26 (4) The Senate may, in lieu of the use of a select
27 committee, appoint a ~~special examiner or a special~~ magistrate
28 ~~master~~ to receive the evidence and make recommendations to the
29 Senate.

30 Section 108. Section 112.43, Florida Statutes, is
31 amended to read:

1 112.43 Prosecution of suspension before Senate.--All
2 suspensions heard by the Senate, a select committee, or
3 special magistrate ~~master, or examiner~~ in accordance with
4 rules of the Senate shall be prosecuted by the Governor, the
5 Governor's legal staff, or an attorney designated by the
6 Governor. Should the Senate, or the select committee
7 appointed by the Senate to hear the evidence and to make
8 recommendations, desire private counsel, either the Senate or
9 the select committee shall be entitled to employ its own
10 counsel for this purpose. Nothing herein shall prevent the
11 Senate or its select committee from making its own
12 investigation and presenting such evidence as its
13 investigation may reveal. The Governor may request the advice
14 of the Department of Legal Affairs relative to the suspension
15 order prior to its issuance by the Governor. Following the
16 issuance of the suspension order, either the Senate or the
17 select committee may request the Department of Legal Affairs
18 to provide counsel for the Senate to advise on questions of
19 law or otherwise advise with the Senate or the select
20 committee, but the Department of Legal Affairs shall not be
21 required to prosecute before the Senate or the committee and
22 shall, pursuant to the terms of this section, act as the legal
23 adviser only.

24 Section 109. Section 112.47, Florida Statutes, is
25 amended to read:

26 112.47 Hearing before Senate select committee;
27 notice.--The Senate shall afford each suspended official a
28 hearing before a select committee or special magistrate,
29 ~~master, or examiner~~, and shall notify such suspended official
30 of the time and place of the hearing sufficiently in advance
31 thereof to afford such official an opportunity fully and

1 adequately to prepare such defenses as the official may be
2 advised are necessary and proper, and all such defenses may be
3 presented by the official or by the official's attorney. In
4 the furtherance of this provision the Senate shall adopt
5 sufficient procedural rules to afford due process both to the
6 Governor in the presentation of his or her evidence and to the
7 suspended official, but in the absence of such adoption, this
8 section shall afford a full and complete hearing, public in
9 nature, as required by the State Constitution. However,
10 nothing in this part shall prevent either the select committee
11 or the Senate from conducting portions of the hearing in
12 executive session if the Senate rules so provide.

13 Section 110. Subsection (2) of section 162.03, Florida
14 Statutes, is amended to read:

15 162.03 Applicability.--

16 (2) A charter county, a noncharter county, or a
17 municipality may, by ordinance, adopt an alternate code
18 enforcement system that ~~which~~ gives code enforcement boards or
19 special magistrates ~~masters~~ designated by the local governing
20 body, or both, the authority to hold hearings and assess fines
21 against violators of the respective county or municipal codes
22 and ordinances. A special magistrate ~~master~~ shall have the
23 same status as an enforcement board under this chapter.
24 References in this chapter to an enforcement board, except in
25 s. 162.05, shall include a special magistrate ~~master~~ if the
26 context permits.

27 Section 111. Subsection (5) of section 162.06, Florida
28 Statutes, is amended to read:

29 162.06 Enforcement procedure.--

30 (5) If the owner of property that ~~which~~ is subject to
31 an enforcement proceeding before an enforcement board, special

1 magistrate ~~master~~, or court transfers ownership of such
2 property between the time the initial pleading was served and
3 the time of the hearing, such owner shall:

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

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

9 (c) Disclose, in writing, to the prospective
10 transferee that the new owner will be responsible for
11 compliance with the applicable code and with orders issued in
12 the code enforcement proceeding.

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

17

18 A failure to make the disclosures described in paragraphs (a),
19 (b), and (c) before the transfer creates a rebuttable
20 presumption of fraud. If the property is transferred before
21 the hearing, the proceeding shall not be dismissed, but the
22 new owner shall be provided a reasonable period of time to
23 correct the violation before the hearing is held.

24 Section 112. Paragraph (d) of subsection (2) of
25 section 162.09, Florida Statutes, is amended to read:

26 162.09 Administrative fines; costs of repair; liens.--

27 (2)

28 (d) A county or a municipality having a population
29 equal to or greater than 50,000 may adopt, by a vote of at
30 least a majority plus one of the entire governing body of the
31 county or municipality, an ordinance that gives code

1 enforcement boards or special magistrates ~~masters~~, or both,
2 authority to impose fines in excess of the limits set forth in
3 paragraph (a). Such fines shall not exceed \$1,000 per day per
4 violation for a first violation, \$5,000 per day per violation
5 for a repeat violation, and up to \$15,000 per violation if the
6 code enforcement board or special magistrate ~~master~~ finds the
7 violation to be irreparable or irreversible in nature. In
8 addition to such fines, a code enforcement board or special
9 magistrate ~~master~~ may impose additional fines to cover all
10 costs incurred by the local government in enforcing its codes
11 and all costs of repairs pursuant to subsection (1). Any
12 ordinance imposing such fines shall include criteria to be
13 considered by the code enforcement board or special magistrate
14 ~~master~~ in determining the amount of the fines, including, but
15 not limited to, those factors set forth in paragraph (b).

16 Section 113. Section 173.09, Florida Statutes, is
17 amended to read:

18 173.09 Judgment for complainant; special magistrate's
19 ~~master's~~ sale; complainant may purchase and later sell.--

20 (1) Any such decree shall direct the special
21 magistrate ~~master~~ thereby appointed to sell the several
22 parcels of land separately to the highest and best bidder for
23 cash (or, at the option of complainant, to the extent of
24 special assessments included in such judgment, for bonds or
25 interest coupons issued by complainant), at public outcry at
26 the courthouse door of the county in which such suit is
27 pending, or at such point or place in the complainant
28 municipality as the court in such final decree may direct,
29 after having advertised such sale (which advertisement may
30 include all lands so ordered sold) once each week for 2
31 consecutive weeks in some newspaper published in the

1 municipality ~~city or town~~ in which ~~is~~ the complainant arose
2 or, if there is no such newspaper, in a newspaper published in
3 the county in which the suit is pending, and if all the lands
4 so advertised for sale be not sold on the day specified in
5 such advertisement, such sale shall be continued from day to
6 day until the sale of all such land is completed.

7 (2) Such sales shall be subject to confirmation by the
8 court, and the ~~said~~ special magistrate ~~master~~ shall, upon
9 confirmation of the sale or sales, deliver to the purchaser or
10 purchasers at said sale a deed of conveyance of the property
11 so sold; provided, however, that in any case where any lands
12 are offered for sale by the special magistrate ~~master~~ and the
13 sum of the tax, tax certificates and special assessments,
14 interest, penalty, costs, and attorney's fee is not bid for
15 the same, the complainant may bid the whole amount due and the
16 special magistrate ~~master~~ shall thereupon convey such parcel
17 or parcels of land to the complainant.

18 (3) The property so bid in by complainant shall become
19 its property in fee simple and may be disposed of by it in the
20 manner provided by law, except that in the sale or disposition
21 of any such lands the municipality ~~city or town~~ may, in its
22 discretion, accept in payment or part payment therefor any
23 bonds or interest coupons constituting liabilities of the
24 municipality ~~said city or town~~.

25 Section 114. Section 173.10, Florida Statutes, is
26 amended to read:

27 173.10 Judgment for complainant; court may order
28 payment of other taxes or sale subject to taxes; special
29 magistrate's ~~master's~~ conveyances.--

30 (1) In the judgment or decree the court may, in its
31 discretion, direct the payment of all unpaid state and county

1 taxes and also all unpaid municipal ~~city or town~~ taxes and
2 special assessments or installments thereof, imposed or
3 falling due since the institution of the suit, with the
4 penalties and costs, out of the proceeds of such foreclosure
5 sale, or it may order and direct such sale or sales to be made
6 subject to such state, ~~and~~ county, and municipal ~~city or town~~
7 taxes and special assessments.

8 (2) Any and all conveyances by the special magistrate
9 ~~master~~ shall vest in the purchaser the fee simple title to the
10 property so sold, subject only to such liens for state and
11 county taxes or taxing districts whose liens are of equal
12 dignity, and liens for municipal taxes and special
13 assessments, or installments thereof, as are not directed by
14 the decree of sale to be paid out of the proceeds of said
15 sale.

16 Section 115. Section 173.11, Florida Statutes, is
17 amended to read:

18 173.11 Distribution of proceeds of sale.--The proceeds
19 of any foreclosure sale authorized by this chapter shall be
20 distributed by the special magistrate ~~master~~ conducting the
21 sale according to the final decree, and if any surplus remains
22 after the payment of the full amount of the decree, costs and
23 attorney's fees, and any subsequent tax liens that ~~which~~ may
24 be directed by such decree to be paid from the proceeds of
25 sale, such surplus shall be deposited with the clerk of the
26 court and disbursed under order of the court.

27 Section 116. Section 173.12, Florida Statutes, is
28 amended to read:

29 173.12 Lands may be redeemed prior to sale.--Any
30 person interested in any lands included in the suit may redeem
31 such lands at any time prior to the sale thereof by the

1 special magistrate ~~master~~ by paying into the registry of the
2 court the amount due for delinquent taxes, interest and
3 penalties thereon, and such proportionate part of the expense,
4 attorney's fees, and costs of suit as may have been fixed by
5 the court in its decree of sale, or by written stipulation of
6 complainant, and thereupon such lands shall be dismissed from
7 the cause.

8 Section 117. Subsection (1) of section 194.013,
9 Florida Statutes, is amended to read:

10 194.013 Filing fees for petitions; disposition;
11 waiver.--

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

30
31

1 Section 118. Paragraph (d) of subsection (1) and
2 subsections (2) and (6) of section 194.034, Florida Statutes,
3 are amended to read:

4 194.034 Hearing procedures; rules.--

5 (1)

6 (d) Notwithstanding the provisions of this subsection,
7 no petitioner may present for consideration, nor may a board
8 or special magistrate ~~master~~ accept for consideration,
9 testimony or other evidentiary materials that were requested
10 of the petitioner in writing by the property appraiser of
11 which the petitioner had knowledge and denied to the property
12 appraiser.

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

28 (6) For purposes of hearing joint petitions filed
29 pursuant to s. 194.011(3)(e), each included parcel shall be
30 considered by the board as a separate petition. Such separate
31 petitions shall be heard consecutively by the board. If a

1 special magistrate ~~master~~ is appointed, such separate
2 petitions shall all be assigned to the same special magistrate
3 ~~master~~.

4 Section 119. Section 194.035, Florida Statutes, is
5 amended to read:

6 194.035 Special magistrates ~~masters~~; property
7 evaluators.--

8 (1) In counties having a population of more than
9 75,000, the board shall appoint special magistrates ~~masters~~
10 for the purpose of taking testimony and making recommendations
11 to the board, which recommendations the board may act upon
12 without further hearing. These ~~Such~~ special magistrates
13 ~~masters~~ may not be elected or appointed officials or employees
14 of the county but shall be selected from a list of those
15 qualified individuals who are willing to serve as special
16 magistrates ~~masters~~. Employees and elected or appointed
17 officials of a taxing jurisdiction or of the state may not
18 serve as special magistrates ~~masters~~. The clerk of the board
19 shall annually notify such individuals or their professional
20 associations to make known to them that opportunities to serve
21 as special magistrates ~~masters~~ exist. The Department of
22 Revenue shall provide a list of qualified special magistrates
23 ~~masters~~ to any county with a population of 75,000 or less.
24 Subject to appropriation, the department shall reimburse
25 counties with a population of 75,000 or less for payments made
26 to special magistrates ~~masters~~ appointed for the purpose of
27 taking testimony and making recommendations to the value
28 adjustment board pursuant to this section. The department
29 shall establish a reasonable range for payments per case to
30 special magistrates ~~masters~~ based on such payments in other
31 counties. Requests for reimbursement of payments outside this

1 range shall be justified by the county. If the total of all
2 requests for reimbursement in any year exceeds the amount
3 available pursuant to this section, payments to all counties
4 shall be prorated accordingly. A special magistrate ~~master~~
5 appointed to hear issues of exemptions and classifications
6 shall be a member of The Florida Bar with no less than 5
7 years' experience in the area of ad valorem taxation. A
8 special magistrate ~~master~~ appointed to hear issues regarding
9 the valuation of real estate shall be a state certified real
10 estate appraiser with not less than 5 years' experience in
11 real property valuation. A special magistrate ~~master~~ appointed
12 to hear issues regarding the valuation of tangible personal
13 property shall be a designated member of a nationally
14 recognized appraiser's organization with not less than 5
15 years' experience in tangible personal property valuation. A
16 special magistrate ~~master~~ need not be a resident of the county
17 in which he or she serves. A No special magistrate may not
18 ~~master shall be permitted to~~ represent a person before the
19 board in any tax year during which he or she has served that
20 board as a special magistrate ~~master~~. The board shall appoint
21 special magistrates ~~such masters~~ from the list so compiled
22 prior to convening of the board. The expense of hearings
23 before magistrates ~~masters~~ and any compensation of special
24 magistrates ~~masters~~ shall be borne three-fifths by the board
25 of county commissioners and two-fifths by the school board.

26 (2) The value adjustment board of each county may
27 employ qualified property appraisers or evaluators to appear
28 before the value adjustment board at that meeting of the board
29 which is held for the purpose of hearing complaints. Such
30 property appraisers or evaluators shall present testimony as
31 to the just value of any property the value of which is

1 contested before the board and shall submit to examination by
2 the board, the taxpayer, and the property appraiser.

3 Section 120. Section 206.16, Florida Statutes, is
4 amended to read:

5 206.16 Officer selling property.--

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

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

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

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

16 (d) The nature of the property and the location of the
17 same.

18 (2) The department, after receiving notice as
19 aforesaid, shall furnish to the sheriff, receiver, trustee,
20 assignee, general or special magistrate ~~master~~, or other
21 officer having charge of the sale a certified copy or copies
22 of all fuel taxes, penalties, and interest on file in the
23 office of the department as liens against such person, and, in
24 the event there are no such liens, a certificate showing that
25 fact, which certified copies or copy of certificate shall be
26 publicly read by such officer at and immediately before the
27 sale of the property or franchise of such person.

28 Section 121. Section 207.016, Florida Statutes, is
29 amended to read:

30 207.016 Officer's sale of property or franchise.--

31

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

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

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

10 (c) The time and place of sale.

11 (d) The nature of the property and the location of the
12 same.

13 (2) The department, after receiving notice as provided
14 in subsection (1), shall furnish to the sheriff, receiver,
15 trustee, assignee, general or special magistrate ~~master~~, or
16 other officer having charge of the sale a certified copy or
17 copies of all taxes, penalties, and interest on file in the
18 office of the department as liens against such person and, in
19 the event there are no such liens, a certificate showing that
20 fact, which certified copy or copies of certificate shall be
21 publicly read by such officer at and immediately before the
22 sale of the property or franchise of such person.

23 Section 122. Section 320.411, Florida Statutes, is
24 amended to read:

25 320.411 Officer's sale of property or franchise.--

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

31

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

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

5 (c) The time and place of sale.

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

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

18 Section 123. Subsection (7) of section 393.11, Florida
19 Statutes, is amended to read:

20 393.11 Involuntary admission to residential
21 services.--

22 (7) HEARING.--

23 (a) The hearing for involuntary admission shall be
24 conducted, and the order shall be entered, in the county in
25 which the person is residing or be as convenient to the person
26 as may be consistent with orderly procedure. The hearing shall
27 be conducted in a physical setting not likely to be injurious
28 to the person's condition.

29 (b) A hearing on the petition shall be held as soon as
30 practicable after the petition is filed, but reasonable delay
31

1 for the purpose of investigation, discovery, or procuring
2 counsel or witnesses shall be granted.

3 (c) The court may appoint a general or special
4 magistrate ~~master~~ to preside. Except as otherwise specified,
5 the magistrate's ~~master's~~ proceeding shall be governed by Rule
6 1.490, Florida Rules of Civil Procedure.

7 (d) The person with mental retardation shall be
8 physically present throughout the entire proceeding. If the
9 person's attorney believes that the person's presence at the
10 hearing is not in the person's best interest, the person's
11 presence may be waived once the court has seen the person and
12 the hearing has commenced.

13 (e) The person shall have the right to present
14 evidence and to cross-examine all witnesses and other evidence
15 alleging the appropriateness of the person's admission to
16 residential care. Other relevant and material evidence
17 regarding the appropriateness of the person's admission to
18 residential services; the most appropriate, least restrictive
19 residential placement; and the appropriate care, treatment,
20 and habilitation of the person, including written or oral
21 reports, may be introduced at the hearing by any interested
22 person.

23 (f) The petitioning commission may be represented by
24 counsel at the hearing. The petitioning commission shall have
25 the right to call witnesses, present evidence, cross-examine
26 witnesses, and present argument on behalf of the petitioning
27 commission.

28 (g) All evidence shall be presented according to
29 chapter 90. The burden of proof shall be on the party
30 alleging the appropriateness of the person's admission to
31

1 residential services. The burden of proof shall be by clear
2 and convincing evidence.

3 (h) All stages of each proceeding shall be
4 stenographically reported.

5 Section 124. Subsections (6) and (7) of section
6 394.467, Florida Statutes, are amended to read:

7 394.467 Involuntary placement.--

8 (6) HEARING ON INVOLUNTARY PLACEMENT.--

9 (a)1. The court shall hold the hearing on involuntary
10 placement within 5 days, unless a continuance is granted. The
11 hearing shall be held in the county where the patient is
12 located and shall be as convenient to the patient as may be
13 consistent with orderly procedure and shall be conducted in
14 physical settings not likely to be injurious to the patient's
15 condition. If the court finds that the patient's attendance
16 at the hearing is not consistent with the best interests of
17 the patient, and the patient's counsel does not object, the
18 court may waive the presence of the patient from all or any
19 portion of the hearing. The state attorney for the circuit in
20 which the patient is located shall represent the state, rather
21 than the petitioning facility administrator, as the real party
22 in interest in the proceeding.

23 2. The court may appoint a general or special
24 magistrate ~~master~~ to preside at the hearing. One of the
25 professionals who executed the involuntary placement
26 certificate shall be a witness. The patient and the patient's
27 guardian or representative shall be informed by the court of
28 the right to an independent expert examination. If the
29 patient cannot afford such an examination, the court shall
30 provide for one. The independent expert's report shall be
31 confidential and not discoverable, unless the expert is to be

1 called as a witness for the patient at the hearing. The
2 testimony in the hearing must be given under oath, and the
3 proceedings must be recorded. The patient may refuse to
4 testify at the hearing.

5 (b) If the court concludes that the patient meets the
6 criteria for involuntary placement, it shall order that the
7 patient be transferred to a treatment facility or, if the
8 patient is at a treatment facility, that the patient be
9 retained there or be treated at any other appropriate
10 receiving or treatment facility, or that the patient receive
11 services from a receiving or treatment facility, on an
12 involuntary basis, for a period of up to 6 months. The order
13 shall specify the nature and extent of the patient's mental
14 illness. The facility shall discharge a patient any time the
15 patient no longer meets the criteria for involuntary
16 placement, unless the patient has transferred to voluntary
17 status.

18 (c) If at any time prior to the conclusion of the
19 hearing on involuntary placement it appears to the court that
20 the person does not meet the criteria for involuntary
21 placement under this chapter, but instead meets the criteria
22 for involuntary assessment, protective custody, or involuntary
23 admission pursuant to s. 397.675, then the court may order the
24 person to be admitted for involuntary assessment for a period
25 of 5 days pursuant to s. 397.6811. Thereafter, all
26 proceedings shall be governed by chapter 397.

27 (d) At the hearing on involuntary placement, the court
28 shall consider testimony and evidence regarding the patient's
29 competence to consent to treatment. If the court finds that
30 the patient is incompetent to consent to treatment, it shall
31 appoint a guardian advocate as provided in s. 394.4598.

1 (e) The administrator of the receiving facility shall
2 provide a copy of the court order and adequate documentation
3 of a patient's mental illness to the administrator of a
4 treatment facility whenever a patient is ordered for
5 involuntary placement, whether by civil or criminal court.
6 Such documentation shall include any advance directives made
7 by the patient, a psychiatric evaluation of the patient, and
8 any evaluations of the patient performed by a clinical
9 psychologist or a clinical social worker. The administrator of
10 a treatment facility may refuse admission to any patient
11 directed to its facilities on an involuntary basis, whether by
12 civil or criminal court order, who is not accompanied at the
13 same time by adequate orders and documentation.

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

15 (a) Hearings on petitions for continued involuntary
16 placement shall be administrative hearings and shall be
17 conducted in accordance with the provisions of s. 120.57(1),
18 except that any order entered by the administrative law judge
19 ~~hearing officer~~ shall be final and subject to judicial review
20 in accordance with s. 120.68. Orders concerning patients
21 committed after successfully pleading not guilty by reason of
22 insanity shall be governed by the provisions of s. 916.15.

23 (b) If the patient continues to meet the criteria for
24 involuntary placement, the administrator shall, prior to the
25 expiration of the period during which the treatment facility
26 is authorized to retain the patient, file a petition
27 requesting authorization for continued involuntary placement.
28 The request shall be accompanied by a statement from the
29 patient's physician or clinical psychologist justifying the
30 request, a brief description of the patient's treatment during
31 the time he or she was involuntarily placed, and an

1 individualized plan of continued treatment. Notice of the
2 hearing shall be provided as set forth in s. 394.4599. If at
3 the hearing the administrative law judge ~~hearing officer~~ finds
4 that attendance at the hearing is not consistent with the best
5 interests of the patient, the administrative law judge ~~hearing~~
6 ~~officer~~ may waive the presence of the patient from all or any
7 portion of the hearing, unless the patient, through counsel,
8 objects to the waiver of presence. The testimony in the
9 hearing must be under oath, and the proceedings must be
10 recorded.

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

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

21 (e) If continued involuntary placement is necessary
22 for a patient admitted while serving a criminal sentence, but
23 whose sentence is about to expire, or for a patient
24 involuntarily placed while a minor but who is about to reach
25 the age of 18, the administrator shall petition the
26 administrative law judge for an order authorizing continued
27 involuntary placement.

28 (f) If the patient has been previously found
29 incompetent to consent to treatment, the administrative law
30 judge ~~hearing officer~~ shall consider testimony and evidence
31 regarding the patient's competence. If the administrative law

1 ~~judge hearing officer~~ finds evidence that the patient is now
2 competent to consent to treatment, the administrative law
3 ~~judge hearing officer~~ may issue a recommended order to the
4 court that found the patient incompetent to consent to
5 treatment that the patient's competence be restored and that
6 any guardian advocate previously appointed be discharged.

7 Section 125. Subsection (7) of section 397.311,
8 Florida Statutes, is amended to read:

9 397.311 Definitions.--As used in this chapter, except
10 part VIII:

11 (7) "Court" means, with respect to all involuntary
12 proceedings under this chapter, the circuit court of the
13 county in which the judicial proceeding is pending or where
14 the substance abuse impaired person resides or is located, and
15 includes any general or special magistrate ~~master~~ that may be
16 appointed by the chief judge to preside over all or part of
17 such proceeding. Otherwise, "court" refers to the court of
18 legal jurisdiction in the context in which the term is used in
19 this chapter.

20 Section 126. Subsection (1) of section 397.681,
21 Florida Statutes, is amended to read:

22 397.681 Involuntary petitions; general provisions;
23 court jurisdiction and right to counsel.--

24 (1) JURISDICTION.--The courts have jurisdiction of
25 involuntary assessment and stabilization petitions and
26 involuntary treatment petitions for substance abuse impaired
27 persons, and such petitions must be filed with the clerk of
28 the court in the county where the person is located. The
29 chief judge may appoint a general or special magistrate ~~master~~
30 to preside over all or part of the proceedings. The alleged
31 impaired person is named as the respondent.

1 Section 127. Subsection (5) of section 447.207,
2 Florida Statutes, is amended to read:

3 447.207 Commission; powers and duties.--

4 (5) The commission shall adopt rules as to the
5 qualifications of persons who may serve as mediators and
6 special magistrates ~~masters~~ and shall maintain lists of such
7 qualified persons who are not employees of the commission.
8 The commission may initiate dispute resolution procedures by
9 special magistrates ~~masters~~, pursuant to the provisions of
10 this part.

11 Section 128. Subsections (2), (3), and (4) of section
12 447.403, Florida Statutes, are amended to read:

13 447.403 Resolution of impasses.--

14 (2)(a) If no mediator is appointed, or upon the
15 request of either party, the commission shall appoint, and
16 submit all unresolved issues to, a special magistrate ~~master~~
17 acceptable to both parties. If the parties are unable to agree
18 on the appointment of a special magistrate ~~master~~, the
19 commission shall appoint, in its discretion, a qualified
20 special magistrate ~~master~~. However, if the parties agree in
21 writing to waive the appointment of a special magistrate
22 ~~master~~, the parties may proceed directly to resolution of the
23 impasse by the legislative body pursuant to paragraph (4)(d).
24 Nothing in this section precludes the parties from using the
25 services of a mediator at any time during the conduct of
26 collective bargaining.

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

31

1 (3) The special magistrate ~~master~~ shall hold hearings
2 in order to define the area or areas of dispute, to determine
3 facts relating to the dispute, and to render a decision on any
4 and all unresolved contract issues. The hearings shall be
5 held at times, dates, and places to be established by the
6 special magistrate ~~master~~ in accordance with rules promulgated
7 by the commission. The special magistrate ~~master~~ shall be
8 empowered to administer oaths and issue subpoenas on behalf of
9 the parties to the dispute or on his or her own behalf.
10 Within 15 calendar days after the close of the final hearing,
11 the special magistrate ~~master~~ shall transmit his or her
12 recommended decision to the commission and to the
13 representatives of both parties by registered mail, return
14 receipt requested. Such recommended decision shall be
15 discussed by the parties, and each recommendation of the
16 special magistrate ~~master~~ shall be deemed approved by both
17 parties unless specifically rejected by either party by
18 written notice filed with the commission within 20 calendar
19 days after the date the party received the special
20 magistrate's ~~master's~~ recommended decision. The written
21 notice shall include a statement of the cause for each
22 rejection and shall be served upon the other party.

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

26 (a) The chief executive officer of the governmental
27 entity involved shall, within 10 days after rejection of a
28 recommendation of the special magistrate ~~master~~, submit to the
29 legislative body of the governmental entity involved a copy of
30 the findings of fact and recommended decision of the special
31 magistrate ~~master~~, together with the chief executive officer's

1 recommendations for settling the disputed impasse issues. The
2 chief executive officer shall also transmit his or her
3 recommendations to the employee organization.

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

7 (c) The legislative body or a duly authorized
8 committee thereof shall forthwith conduct a public hearing at
9 which the parties shall be required to explain their positions
10 with respect to the rejected recommendations of the special
11 magistrate master;

12 (d) Thereafter, the legislative body shall take such
13 action as it deems to be in the public interest, including the
14 interest of the public employees involved, to resolve all
15 disputed impasse issues; and

16 (e) Following the resolution of the disputed impasse
17 issues by the legislative body, the parties shall reduce to
18 writing an agreement which includes those issues agreed to by
19 the parties and those disputed impasse issues resolved by the
20 legislative body's action taken pursuant to paragraph (d). The
21 agreement shall be signed by the chief executive officer and
22 the bargaining agent and shall be submitted to the public
23 employer and to the public employees who are members of the
24 bargaining unit for ratification. If such agreement is not
25 ratified by all parties, pursuant to the provisions of s.
26 447.309, the legislative body's action taken pursuant to the
27 provisions of paragraph (d) shall take effect as of the date
28 of such legislative body's action for the remainder of the
29 first fiscal year which was the subject of negotiations;
30 however, the legislative body's action shall not take effect
31 with respect to those disputed impasse issues which establish

1 the language of contractual provisions which could have no
2 effect in the absence of a ratified agreement, including, but
3 not limited to, preambles, recognition clauses, and duration
4 clauses.

5 Section 129. Section 447.405, Florida Statutes, is
6 amended to read:

7 447.405 Factors to be considered by the special
8 magistrate ~~master~~.--The special magistrate ~~master~~ shall
9 conduct the hearings and render recommended decisions with the
10 objective of achieving a prompt, peaceful, and just settlement
11 of disputes between the public employee organizations and the
12 public employers. The factors, among others, to be given
13 weight by the special magistrate ~~master~~ in arriving at a
14 recommended decision shall include:

15 (1) Comparison of the annual income of employment of
16 the public employees in question with the annual income of
17 employment maintained for the same or similar work of
18 employees exhibiting like or similar skills under the same or
19 similar working conditions in the local operating area
20 involved.

21 (2) Comparison of the annual income of employment of
22 the public employees in question with the annual income of
23 employment of public employees in similar public employee
24 governmental bodies of comparable size within the state.

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

26 (4) Comparison of peculiarities of employment in
27 regard to other trades or professions, specifically with
28 respect to:

29 (a) Hazards of employment.

30 (b) Physical qualifications.

31 (c) Educational qualifications.

1 (d) Intellectual qualifications.

2 (e) Job training and skills.

3 (f) Retirement plans.

4 (g) Sick leave.

5 (h) Job security.

6 (5) Availability of funds.

7 Section 130. Section 447.407, Florida Statutes, is
8 amended to read:

9 447.407 Compensation of mediator and special
10 magistrate ~~master~~; expenses.--The compensation of the mediator
11 and special magistrate ~~master~~, and all stenographic and other
12 expenses, shall be borne equally by the parties.

13 Section 131. Section 447.409, Florida Statutes, is
14 amended to read:

15 447.409 Records.--All records that ~~which~~ are relevant
16 to, or have a bearing upon, any issue or issues raised by the
17 proceedings conducted by the special magistrate ~~master~~ shall
18 be made available to the special magistrate ~~master~~ by a
19 request in writing to any of the parties to the impasse
20 proceedings. Notice of such request must ~~shall~~ be furnished
21 to all parties. Any such records that ~~which~~ are made
22 available to the special magistrate ~~master~~ must ~~shall~~ also be
23 made available to any other party to the impasse proceedings,
24 upon written request.

25 Section 132. Subsections (1), (2), (3), (4), (5), and
26 (6) of section 475.011, Florida Statutes, are amended to read:

27 475.011 Exemptions.--This part does not apply to:

28 (1) Any person acting as an attorney in fact for the
29 purpose of the execution of contracts or conveyances only; as
30 an attorney at law within the scope of her or his duties as
31 such; as a certified public accountant, as defined in chapter

1 473, within the scope of her or his duties as such; as the
2 personal representative, receiver, trustee, or general or
3 special magistrate ~~master~~ under, or by virtue of, an
4 appointment by will or by order of a court of competent
5 jurisdiction; or as trustee under a deed of trust, or under a
6 trust agreement, the ultimate purpose and intent whereof is
7 charitable, is philanthropic, or provides for those having a
8 natural right to the bounty of the donor or trustor.†

9 (2) Any individual, corporation, partnership, trust,
10 joint venture, or other entity which sells, exchanges, or
11 leases its own real property; however, this exemption shall
12 not be available if and to the extent that an agent, employee,
13 or independent contractor paid a commission or other
14 compensation strictly on a transactional basis is employed to
15 make sales, exchanges, or leases to or with customers in the
16 ordinary course of an owner's business of selling, exchanging,
17 or leasing real property to the public.†

18 (3) Any employee of a public utility, a rural electric
19 cooperative, a railroad, or a state or local governmental
20 agency who acts within the scope of her or his employment, for
21 which no compensation in addition to the employee's salary is
22 paid, to buy, sell, appraise, exchange, rent, auction, or
23 lease any real property or any interest in real property for
24 the use of her or his employer.†

25 (4) Any salaried employee of an owner, or of a
26 registered broker for an owner, of an apartment community who
27 works in an onsite rental office of the apartment community in
28 a leasing capacity.†

29 (5) Any person employed for a salary as a manager of a
30 condominium or cooperative apartment complex as a result of
31 any activities or duties which the person may have in relation

1 to the renting of individual units within such condominium or
2 cooperative apartment complex if rentals arranged by the
3 person are for periods no greater than 1 year.†

4 (6) Any person, partnership, corporation, or other
5 legal entity which, for another and for compensation or other
6 valuable consideration, sells, offers to sell, advertises for
7 sale, buys, offers to buy, or negotiates the sale or purchase
8 of radio, television, or cable enterprises licensed and
9 regulated by the Federal Communications Commission pursuant to
10 the Communications Act of 1934. However, if the sale or
11 purchase of the radio, television, or cable enterprise
12 involves the sale or lease of land, buildings, fixtures, and
13 all other improvements to the land, a broker or salesperson
14 licensed under this chapter shall be retained for the portion
15 of the transaction which includes the land, buildings,
16 fixtures, and all other improvements to the land.†~~or~~

17 Section 133. Paragraphs (d), (f), (g), (h), and (j) of
18 subsection (5) of section 489.127, Florida Statutes, are
19 amended to read:

20 489.127 Prohibitions; penalties.--

21 (5) Each county or municipality may, at its option,
22 designate one or more of its code enforcement officers, as
23 defined in chapter 162, to enforce, as set out in this
24 subsection, the provisions of subsection (1) and s. 489.132(1)
25 against persons who engage in activity for which a county or
26 municipal certificate of competency or license or state
27 certification or registration is required.

28 (d) The act for which the citation is issued shall be
29 ceased upon receipt of the citation; and the person charged
30 with the violation shall elect either to correct the violation
31 and pay the civil penalty in the manner indicated on the

1 citation or, within 10 days after ~~of~~ receipt of the citation,
2 exclusive of weekends and legal holidays, request an
3 administrative hearing before the enforcement or licensing
4 board or designated special magistrate ~~master~~ to appeal the
5 issuance of the citation by the code enforcement officer.

6 1. Hearings shall be held before an enforcement or
7 licensing board or designated special magistrate ~~master~~ as
8 established by s. 162.03(2), and such hearings shall be
9 conducted pursuant to the requirements of ss. 162.07 and
10 162.08.

11 2. Failure of a violator to appeal the decision of the
12 code enforcement officer within the time period set forth in
13 this paragraph shall constitute a waiver of the violator's
14 right to an administrative hearing. A waiver of the right to
15 an administrative hearing shall be deemed an admission of the
16 violation, and penalties may be imposed accordingly.

17 3. If the person issued the citation, or his or her
18 designated representative, shows that the citation is invalid
19 or that the violation has been corrected prior to appearing
20 before the enforcement or licensing board or designated
21 special magistrate ~~master~~, the enforcement or licensing board
22 or designated special magistrate ~~master~~ may dismiss the
23 citation unless the violation is irreparable or irreversible.

24 4. Each day a willful, knowing violation continues
25 shall constitute a separate offense under the provisions of
26 this subsection.

27 (f) If the enforcement or licensing board or
28 designated special magistrate ~~master~~ finds that a violation
29 exists, the enforcement or licensing board or designated
30 special magistrate ~~master~~ may order the violator to pay a
31 civil penalty of not less than the amount set forth on the

1 citation but not more than \$1,000 per day for each violation.
2 In determining the amount of the penalty, the enforcement or
3 licensing board or designated special magistrate ~~master~~ shall
4 consider the following factors:

- 5 1. The gravity of the violation.
- 6 2. Any actions taken by the violator to correct the
7 violation.
- 8 3. Any previous violations committed by the violator.

9 (g) Upon written notification by the code enforcement
10 officer that a violator had not contested the citation or paid
11 the civil penalty within the timeframe allowed on the
12 citation, or if a violation has not been corrected within the
13 timeframe set forth on the notice of violation, the
14 enforcement or licensing board or the designated special
15 magistrate ~~master~~ shall enter an order ordering the violator
16 to pay the civil penalty set forth on the citation or notice
17 of violation, and a hearing shall not be necessary for the
18 issuance of such order.

19 (h) A certified copy of an order imposing a civil
20 penalty against an uncertified contractor may be recorded in
21 the public records and thereafter shall constitute a lien
22 against any real or personal property owned by the violator.
23 Upon petition to the circuit court, such order may be enforced
24 in the same manner as a court judgment by the sheriffs of this
25 state, including a levy against personal property; however,
26 such order shall not be deemed to be a court judgment except
27 for enforcement purposes. A civil penalty imposed pursuant to
28 this part shall continue to accrue until the violator comes
29 into compliance or until judgment is rendered in a suit to
30 foreclose on a lien filed pursuant to this subsection,
31 whichever occurs first. After 3 months following ~~from~~ the

1 filing of any such lien which remains unpaid, the enforcement
2 board or licensing board or designated special magistrate
3 ~~master~~ may authorize the local governing body's attorney to
4 foreclose on the lien. No lien created pursuant to the
5 provisions of this part may be foreclosed on real property
6 which is a homestead under s. 4, Art. X of the State
7 Constitution.

8 (j) An aggrieved party, including the local governing
9 body, may appeal a final administrative order of an
10 enforcement board or licensing board or designated special
11 magistrate ~~master~~ to the circuit court. Such an appeal shall
12 not be a hearing de novo but shall be limited to appellate
13 review of the record created before the enforcement board or
14 licensing board or designated special magistrate ~~master~~. An
15 appeal shall be filed within 30 days after ~~of the~~ execution of
16 the order to be appealed.

17 Section 134. Paragraphs (d), (f), (g), (h), and (j) of
18 subsection (4) of section 489.531, Florida Statutes, are
19 amended to read:

20 489.531 Prohibitions; penalties.--

21 (4)

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

31

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

5 2. Failure of a violator to appeal the decision of the
6 code enforcement officer within the time period set forth in
7 this paragraph shall constitute a waiver of the violator's
8 right to an administrative hearing. A waiver of the right to
9 administrative hearing shall be deemed an admission of the
10 violation and penalties may be imposed accordingly.

11 3. If the person issued the citation, or his or her
12 designated representative, shows that the citation is invalid
13 or that the violation has been corrected prior to appearing
14 before the enforcement or licensing board or designated
15 special magistrate ~~master~~, the enforcement or licensing board
16 or designated special magistrate ~~master~~ shall dismiss the
17 citation unless the violation is irreparable or irreversible.

18 4. Each day a willful, knowing violation continues
19 shall constitute a separate offense under the provisions of
20 this subsection.

21 (f) If the enforcement or licensing board or
22 designated special magistrate ~~master~~ finds that a violation
23 exists, the enforcement or licensing board or designated
24 special magistrate ~~master~~ may order the violator to pay a
25 civil penalty of not less than the amount set forth on the
26 citation but not more than \$500 per day for each violation.
27 In determining the amount of the penalty, the enforcement or
28 licensing board or designated special magistrate ~~master~~ shall
29 consider the following factors:

30 1. The gravity of the violation.
31

1 2. Any actions taken by the violator to correct the
2 violation.

3 3. Any previous violations committed by the violator.

4 (g) Upon written notification by the code enforcement
5 officer that a violator had not contested the citation or paid
6 the civil penalty within the timeframe allowed on the
7 citation, or if a violation has not been corrected within the
8 timeframe set forth on the notice of violation, the
9 enforcement or licensing board or the designated special
10 magistrate ~~master~~ shall enter an order ordering the violator
11 to pay the civil penalty set forth on the citation or notice
12 of violation, and a hearing shall not be necessary for the
13 issuance of such order.

14 (h) A certified copy of an order imposing a civil
15 penalty against an uncertified contractor may be recorded in
16 the public records and thereafter shall constitute a lien
17 against any real or personal property owned by the violator.
18 Upon petition to the circuit court, such order may be enforced
19 in the same manner as a court judgment by the sheriffs of this
20 state, including a levy against personal property; however,
21 such order shall not be deemed to be a court judgment except
22 for enforcement purposes. A civil penalty imposed pursuant to
23 this part shall continue to accrue until the violator comes
24 into compliance or until judgment is rendered in a suit to
25 foreclose on a lien filed pursuant to this section, whichever
26 occurs first. After 3 months following ~~from~~ the filing of any
27 such lien which remains unpaid, the enforcement or licensing
28 board or designated special magistrate ~~master~~ may authorize
29 the local governing body's attorney to foreclose on the lien.
30 No lien created pursuant to the provisions of this part may be
31

1 foreclosed on real property which is a homestead under s. 4,
2 Art. X of the State Constitution.

3 (j) An aggrieved party, including the local governing
4 body, may appeal a final administrative order of an
5 enforcement or licensing board or ~~special~~ designated special
6 magistrate ~~master~~ to the circuit court. Such an appeal shall
7 not be a hearing de novo but shall be limited to appellate
8 review of the record created before the enforcement or
9 licensing board or designated special master. An appeal shall
10 be filed within 30 days of the execution of the order to be
11 appealed.

12 Section 135. Subsection (1) of section 496.420,
13 Florida Statutes, is amended to read:

14 496.420 Civil remedies and enforcement.--

15 (1) In addition to other remedies authorized by law,
16 the department may bring a civil action in circuit court to
17 enforce ss. 496.401-496.424 or s. 496.426. Upon a finding that
18 any person has violated any of these sections, a court may
19 make any necessary order or enter a judgment including, but
20 not limited to, a temporary or permanent injunction, a
21 declaratory judgment, the appointment of a general or special
22 magistrate ~~master~~ or receiver, the sequestration of assets,
23 the reimbursement of persons from whom contributions have been
24 unlawfully solicited, the distribution of contributions in
25 accordance with the charitable or sponsor purpose expressed in
26 the registration statement or in accordance with the
27 representations made to the person solicited, the
28 reimbursement of the department for investigative costs,
29 attorney's fees and costs, and any other equitable relief the
30 court finds appropriate. Upon a finding that any person has
31 violated any provision of ss. 496.401-496.424 or s. 496.426

1 with actual knowledge or knowledge fairly implied on the basis
2 of objective circumstances, a court may enter an order
3 imposing a civil penalty in an amount not to exceed \$10,000
4 per violation.

5 Section 136. Subsection (3) of section 501.207,
6 Florida Statutes, is amended to read:

7 501.207 Remedies of enforcing authority.--

8 (3) Upon motion of the enforcing authority or any
9 interested party in any action brought under subsection (1),
10 the court may make appropriate orders, including, but not
11 limited to, appointment of a general or special magistrate
12 ~~master~~ or receiver or sequestration or freezing of assets, to
13 reimburse consumers or governmental entities found to have
14 been damaged; to carry out a transaction in accordance with
15 the reasonable expectations of consumers or governmental
16 entities; to strike or limit the application of clauses of
17 contracts to avoid an unconscionable result; to order any
18 defendant to divest herself or himself of any interest in any
19 enterprise, including real estate; to impose reasonable
20 restrictions upon the future activities of any defendant to
21 impede her or him from engaging in or establishing the same
22 type of endeavor; to order the dissolution or reorganization
23 of any enterprise; or to grant legal, equitable, or other
24 appropriate relief. The court may assess the expenses of a
25 general or special magistrate ~~master~~ or receiver against a
26 person who has violated, is violating, or is otherwise likely
27 to violate this part. Any injunctive order, whether temporary
28 or permanent, issued by the court shall be effective
29 throughout the state unless otherwise provided in the order.

30 Section 137. Section 501.618, Florida Statutes, is
31 amended to read:

1 501.618 General civil remedies.--The department may
2 bring:

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

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

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

14
15 Upon motion of the enforcing authority in any action brought
16 under this section, the court may make appropriate orders,
17 including appointment of a general or special magistrate
18 ~~master~~ or receiver or sequestration of assets, to reimburse
19 consumers found to have been damaged, to carry out a consumer
20 transaction in accordance with the consumer's reasonable
21 expectations, or to grant other appropriate relief. The court
22 may assess the expenses of a general or special magistrate
23 ~~master~~ or receiver against a commercial telephone seller. Any
24 injunctive order, whether temporary or permanent, issued by
25 the court shall be effective throughout the state unless
26 otherwise provided in the order.

27 Section 138. Subsection (6) of section 559.936,
28 Florida Statutes, is amended to read:

29 559.936 Civil penalties; remedies.--

30 (6) Upon motion of the department in any action
31 brought under this part, the court may make appropriate

1 orders, including appointment of a general or special
2 magistrate ~~master~~ or receiver or sequestration of assets, to
3 reimburse consumers found to have been damaged, to carry out a
4 consumer transaction in accordance with the consumer's
5 reasonable expectations, or to grant other appropriate relief.

6 Section 139. Subsection (1) of section 582.23, Florida
7 Statutes, is amended to read:

8 582.23 Performance of work under the regulations by
9 the supervisors.--

10 (1) The supervisors may go upon any lands within the
11 district to determine whether land use regulations adopted are
12 being observed. Where the supervisors of any district shall
13 find that any of the provisions of land use regulations
14 adopted are not being observed on particular lands, and that
15 such nonobservance tends to increase erosion on such lands and
16 is interfering with the prevention or control of erosion on
17 other lands within the district, the supervisors may present
18 to the circuit court for the county or counties within which
19 the lands of the defendant may lie, a petition, duly verified,
20 setting forth the adoption of the land use regulations, the
21 failure of the defendant landowner or occupier to observe such
22 regulations, and to perform particular work, operations, or
23 avoidances as required thereby, and that such nonobservance
24 tends to increase erosion on such lands and is interfering
25 with the prevention or control of erosion on other lands
26 within the district, and praying the court to require the
27 defendant to perform the work, operations, or avoidances
28 within a reasonable time and to order that if the defendant
29 shall fail so to perform the supervisors may go on the land,
30 perform the work or other operations or otherwise bring the
31 condition of such lands into conformity with the requirements

1 of such regulations, and recover the costs and expenses
2 thereof, with interest, from the owner of such land. Upon the
3 presentation of such petition the court shall cause process to
4 be issued against the defendant, and shall hear the case. If
5 it shall appear to the court that testimony is necessary for
6 the proper disposition of the matter, it may take evidence or
7 appoint a special magistrate ~~master~~ to take such evidence as
8 it may direct and report the same to the court within her or
9 his findings of fact and conclusions of law, which shall
10 constitute a part of the proceedings upon which the
11 determination of the court shall be made.

12 Section 140. Subsection (2) of section 631.182,
13 Florida Statutes, is amended to read:

14 631.182 Receiver claims report and claimants
15 objections procedure.--

16 (2) At the hearing, any interested person is entitled
17 to appear. The hearing shall not be de novo but shall be
18 limited to the record as described in s. 631.181(2). The court
19 shall enter an order allowing, allowing in part, or
20 disallowing the claim. Any such order is deemed to be an
21 appealable order. In the interests of judicial economy, the
22 court may appoint a special magistrate ~~master~~ to resolve
23 objections or to perform any particular service required by
24 the court. This subsection shall apply to receivership
25 proceedings commencing prior to, or subsequent to, July 1,
26 1997.

27 Section 141. Subsections (3) and (4) of section
28 631.331, Florida Statutes, are amended to read:

29 631.331 Assessment prima facie correct; notice;
30 payment; proceeding to collect.--

31

1 (3) If any such member or subscriber fails to pay the
2 assessment within the period specified in the notice, which
3 period shall not be less than 20 days after mailing, the
4 department may obtain an order in the delinquency proceeding
5 requiring the member or subscriber to show cause at a time and
6 place fixed by the court why judgment should not be entered
7 against such member or subscriber for the amount of the
8 assessment, together with all costs. ~~and~~ A copy of the order
9 and a copy of the petition therefor shall be served upon the
10 member or subscriber within the time and in the manner
11 designated in the order.

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

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

18 (b) Appears in the manner and form required by law in
19 response to the order, the court shall hear and determine the
20 matter and enter a judgment in accordance with its decision.
21 In the interests of judicial economy, the court may appoint a
22 special magistrate ~~master~~ to resolve objections or to perform
23 any particular service required by the court. This paragraph
24 shall apply to receivership proceedings commencing prior to,
25 or subsequent to, July 1, 1997.

26 Section 142. Subsection (2) of section 633.052,
27 Florida Statutes, is amended to read:

28 633.052 Ordinances relating to firesafety;
29 definitions; penalties.--

30 (2) A county or municipality that ~~which~~ has created a
31 code enforcement board or special magistrate ~~master~~ system

1 pursuant to chapter 162 may enforce firesafety code violations
2 as provided in chapter 162. The governing body of a county or
3 municipality which has not created a code enforcement board or
4 special magistrate ~~master~~ system for firesafety under chapter
5 162 is authorized to enact ordinances relating to firesafety
6 codes, which ordinances shall provide:

7 (a) That a violation of such an ordinance is a civil
8 infraction.

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

10 (c) A civil penalty of less than the maximum civil
11 penalty if the person who has committed the civil infraction
12 does not contest the citation.

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

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

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

21 Section 143. Subsection (2) of section 744.369,
22 Florida Statutes, is amended to read:

23 744.369 Judicial review of guardianship reports.--

24 (2) The court may appoint general or special
25 magistrate ~~masters~~ to assist the court in its review function.
26 The court may require the general or special magistrate ~~master~~
27 to conduct random field audits.

28 Section 144. Subsection (11) of section 760.11,
29 Florida Statutes, is amended to read:

30 760.11 Administrative and civil remedies;
31 construction.--

1 (11) If a complaint is within the jurisdiction of the
2 commission, the commission shall simultaneously with its other
3 statutory obligations attempt to eliminate or correct the
4 alleged discrimination by informal methods of conference,
5 conciliation, and persuasion. Nothing said or done in the
6 course of such informal endeavors may be made public or used
7 as evidence in a subsequent civil proceeding, trial, or
8 hearing. The commission may initiate dispute resolution
9 procedures, including voluntary arbitration, by special
10 magistrates ~~masters~~ or mediators. The commission may adopt
11 rules as to the qualifications of persons who may serve as
12 special magistrates ~~masters~~ and mediators.

13 Section 145. Subsection (1) of section 837.011,
14 Florida Statutes, is amended to read:

15 837.011 Definitions.--In this chapter, unless a
16 different meaning plainly is required:

17 (1) "Official proceeding" means a proceeding heard, or
18 which may be or is required to be heard, before any
19 legislative, judicial, administrative, or other governmental
20 agency or official authorized to take evidence under oath,
21 including any referee, general or special magistrate ~~master in~~
22 ~~chancery~~, administrative law judge, hearing officer, hearing
23 examiner, commissioner, notary, or other person taking
24 testimony or a deposition in connection with any such
25 proceeding.

26 Section 146. Subsection (4) of section 838.014,
27 Florida Statutes, is amended to read:

28 838.014 Definitions.--For the purposes of this
29 chapter, unless a different meaning plainly is required:

30 (4) "Public servant" means any public officer, agent,
31 or employee of government, whether elected or appointed,

1 including, but not limited to, any executive, legislative, or
2 judicial officer; any person who holds an office or position
3 in a political party or political party committee, whether
4 elected or appointed; and any person participating as a
5 general or special magistrate ~~master~~, receiver, auditor,
6 juror, arbitrator, umpire, referee, consultant, administrative
7 law judge, hearing officer, or hearing examiner, or person
8 acting on behalf of any of these, in performing a governmental
9 function; but the term does not include witnesses. Such term
10 shall include a candidate for election or appointment to any
11 such office, including any individual who seeks or intends to
12 occupy any such office. It shall include any person appointed
13 to any of the foregoing offices or employments before and
14 after he or she qualifies.

15 Section 147. Section 839.17, Florida Statutes, is
16 amended to read:

17 839.17 Misappropriation of moneys by commissioners to
18 make sales.--Any commissioner or general or special magistrate
19 ~~master in chancery~~, having received the purchase money or the
20 securities resulting from any of the sales authorized by law,
21 who shall fail to deliver such moneys and securities, or
22 either of them, to the executor or administrator, or the
23 person entitled to receive the same, upon the order of the
24 court, unless she or he is rendered unable to do so by some
25 cause not attributable to her or his own default or neglect,
26 shall be fined in a sum equal to the amount received from the
27 purchaser, and commits ~~shall be guilty of~~ a felony of the
28 second degree, punishable as provided in s. 775.082, s.
29 775.083, or s. 775.084.

30 Section 148. Paragraph (a) of subsection (3) of
31 section 916.107, Florida Statutes, is amended to read:

1 916.107 Rights of forensic clients.--

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

3 (a) A client committed to the department pursuant to
4 this act shall be asked to give express and informed written
5 consent for treatment. If a client in a forensic facility
6 refuses such treatment as is deemed necessary by the client's
7 multidisciplinary treatment team at the forensic facility for
8 the appropriate care of the client and the safety of the
9 client or others, such treatment may be provided under the
10 following circumstances:

11 1. In an emergency situation in which there is
12 immediate danger to the safety of the client or others, such
13 treatment may be provided upon the written order of a
14 physician for a period not to exceed 48 hours, excluding
15 weekends and legal holidays. If, after the 48-hour period,
16 the client has not given express and informed consent to the
17 treatment initially refused, the administrator or designee of
18 the forensic facility shall, within 48 hours, excluding
19 weekends and legal holidays, petition the committing court or
20 the circuit court serving the county in which the facility is
21 located, at the option of the facility administrator or
22 designee, for an order authorizing the continued treatment of
23 the client. In the interim, treatment may be continued
24 without the consent of the client upon the continued written
25 order of a physician who has determined that the emergency
26 situation continues to present a danger to the safety of the
27 client or others.

28 2. In a situation other than an emergency situation,
29 the administrator or designee of the forensic facility shall
30 petition the court for an order authorizing the treatment to
31 the client. The order shall allow such treatment for a period

1 not to exceed 90 days from the date of the entry of the order.
2 Unless the court is notified in writing that the client has
3 provided express and informed consent in writing or that the
4 client has been discharged by the committing court, the
5 administrator or designee shall, prior to the expiration of
6 the initial 90-day order, petition the court for an order
7 authorizing the continuation of treatment for another 90-day
8 period. This procedure shall be repeated until the client
9 provides consent or is discharged by the committing court.

10 3. At the hearing on the issue of whether the court
11 should enter an order authorizing treatment for which a client
12 has refused to give express and informed consent, the court
13 shall determine by clear and convincing evidence that the
14 client is mentally ill, retarded, or autistic as defined in
15 this chapter, that the treatment not consented to is essential
16 to the care of the client, and that the treatment not
17 consented to is not experimental and does not present an
18 unreasonable risk of serious, hazardous, or irreversible side
19 effects. In arriving at the substitute judgment decision, the
20 court must consider at least the following factors:

- 21 a. The client's expressed preference regarding
22 treatment;
23 b. The probability of adverse side effects;
24 c. The prognosis without treatment; and
25 d. The prognosis with treatment.

26
27 The hearing shall be as convenient to the client as may be
28 consistent with orderly procedure and shall be conducted in
29 physical settings not likely to be injurious to the client's
30 condition. The court may appoint a general or special
31 magistrate ~~master~~ to preside at the hearing. The client or the

1 client's guardian, and the representative, shall be provided
2 with a copy of the petition and the date, time, and location
3 of the hearing. The client has the right to have an attorney
4 represent him or her at the hearing, and, if the client is
5 indigent, the court shall appoint the office of the public
6 defender to represent the client at the hearing. The client
7 may testify or not, as he or she chooses, and has the right to
8 cross-examine witnesses and may present his or her own
9 witnesses.

10 Section 149. Subsection (11) of section 938.30,
11 Florida Statutes, is amended to read:

12 938.30 Court-imposed financial obligations in criminal
13 cases; supplementary proceedings.--

14 (11) The court may refer any proceeding under this
15 section to a special magistrate ~~master~~ who shall report
16 findings and make recommendations to the court. The court
17 shall act on such recommendations within a reasonable amount
18 of time.

19 Section 150. Subsection (3) of section 945.43, Florida
20 Statutes, is amended to read:

21 945.43 Admission of inmate to mental health treatment
22 facility.--

23 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR
24 MENTAL HEALTH TREATMENT.--If the inmate does not waive a
25 hearing or if the inmate or the inmate's representative files
26 a petition for a hearing after having waived it, the court
27 shall serve notice on the warden of the facility where the
28 inmate is confined, the director, and the allegedly mentally
29 ill inmate. The notice shall specify the date, time, and place
30 of the hearing; the basis for the allegation of mental
31 illness; and the names of the examining experts. The hearing

1 shall be held within 5 days, and the court may appoint a
2 general or special magistrate ~~master~~ to preside. The hearing
3 may be as informal as is consistent with orderly procedure.
4 One of the experts whose opinion supported the recommendation
5 shall be present at the hearing for information purposes. If,
6 at the hearing, the court finds that the inmate is mentally
7 ill and in need of care and treatment, it shall order that he
8 or she be transferred to a mental health treatment facility
9 and provided appropriate treatment. The court shall provide a
10 copy of its order authorizing transfer and all supporting
11 documentation relating to the inmate's condition to the warden
12 of the treatment facility. If the court finds that the inmate
13 is not mentally ill, it shall dismiss the petition for
14 transfer.

15 Section 151. Subsection (4) is added to section
16 218.25, Florida Statutes, to read:

17 218.25 Limitation of shared funds; holders of bonds
18 protected; limitation on use of second guaranteed entitlement
19 for counties.--

20 (4) Notwithstanding subsections (1) and (2), a county
21 may assign, pledge, or set aside as a trust for the payment of
22 principal or interest on bonds, tax anticipation certificates,
23 or any other form of indebtedness an amount up to 50 percent
24 of the funds received in the prior year.

25 Section 152. Effective July 1, 2004, sections 142.04,
26 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 142.11,
27 142.12, 142.13, and 939.18, Florida Statutes, are repealed.

28 Section 153. Except as otherwise expressly provided in
29 this act, this act shall take effect May 1, 2004.

30
31