

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

.  
.
.  
.

Representative Brutus offered the following:

**Amendment (with title amendments)**

Between lines 441 & 442, insert:

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

26.012 Jurisdiction of circuit court.--

(5) A circuit court is a trial court.

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

27.06 Habeas corpus and preliminary trials.--The several state attorneys of this state shall represent the state in all cases of habeas corpus arising in their respective circuits, and shall also represent the state, either in person or by assistant, in cases of preliminary trials of persons charged

Amendment No. (for drafter's use only)

28 with capital offenses in all cases where the committing trial  
29 court judge ~~magistrate~~ shall have given due and timely notice of  
30 the time and place of such trial. Notice of the application for  
31 the writ of habeas corpus shall be given to the prosecuting  
32 officer of the court wherein the statute under attack is being  
33 applied, the criminal law proceeding is being maintained, or the  
34 conviction has occurred.

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

38 34.01 Jurisdiction of county court.--

39 (2) The county courts shall have jurisdiction previously  
40 exercised by county judges' courts other than that vested in the  
41 circuit court by s. 26.012, except that county court judges may  
42 hear matters involving dissolution of marriage under the  
43 simplified dissolution procedure pursuant to ~~Rule 1.611(c)~~,  
44 Florida Family Law Rules of ~~Civil~~ Procedure or may issue a final  
45 order for dissolution in cases where the matter is uncontested,  
46 and the jurisdiction previously exercised by county courts, the  
47 claims court, small claims courts, small claims magistrates  
48 courts, magistrates courts, justice of the peace courts,  
49 municipal courts, and courts of chartered counties, including  
50 but not limited to the counties referred to in ss. 9, 10, 11,  
51 and 24, Art. VIII of the State Constitution of 1968 ~~1885~~.

52 (3) Judges of county courts shall also be committing trial  
53 court judges ~~magistrates~~. Judges of county courts shall be  
54 coroners unless otherwise provided by law or by rule of the  
55 Supreme Court.

Amendment No. (for drafter's use only)

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

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

61 Section 4. Section 48.20, Florida Statutes, is amended to  
62 read:

63 48.20 Service of process on Sunday.--Service or execution  
64 on Sunday of any writ, process, warrant, order, or judgment is  
65 void and the person serving or executing, or causing it to be  
66 served or executed, is liable to the party aggrieved for damages  
67 for so doing as if he or she had done it without any process,  
68 writ, warrant, order, or judgment. If affidavit is made by the  
69 person requesting service or execution that he or she has good  
70 reason to believe that any person liable to have any such writ,  
71 process, warrant, order, or judgment served on him or her  
72 intends to escape from this state under protection of Sunday,  
73 any officer furnished with an order authorizing service or  
74 execution by the trial court judge ~~or magistrate of any~~  
75 ~~incorporated town~~ may serve or execute such writ, process,  
76 warrant, order, or judgment on Sunday, and it is as valid as if  
77 it had been done on any other day.

78 Section 5. Section 142.09, Florida Statutes, is amended to  
79 read:

80 142.09 If defendant is not convicted or dies.--If the  
81 defendant is not convicted, or the prosecution is abated by the  
82 death of the defendant, or if the costs are imposed on the  
83 defendant and execution against him or her is returned no  
84 property found, or if a nolle prosequere be entered, in each of

340119

Amendment No. (for drafter's use only)

85 these cases the fees of witnesses and officers arising from  
86 criminal causes shall be paid by the county in the manner  
87 specified in ss. 142.10-142.12; provided, that when a committing  
88 trial court judge ~~magistrate~~ holds to bail or commits a person  
89 to answer to a criminal charge and an information is not filed  
90 or an indictment found against such person, the costs and fees  
91 of such committing trial shall not be paid by the county, except  
92 the costs of executing the warrants.

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

95 316.635 Courts having jurisdiction over traffic  
96 violations; powers relating to custody and detention of  
97 minors.--

98 (3) If a minor is taken into custody for a criminal  
99 traffic offense or a violation of chapter 322 and the minor does  
100 not demand to be taken before a trial court judge, or a Civil  
101 Traffic Infraction Hearing Officer, who has jurisdiction over  
102 the offense or violation ~~magistrate~~, the arresting officer or  
103 booking officer shall immediately notify, or cause to be  
104 notified, the minor's parents, guardian, or responsible adult  
105 relative of the action taken. After making every reasonable  
106 effort to give notice, the arresting officer or booking officer  
107 may:

108 (a) Issue a notice to appear pursuant to chapter 901 and  
109 release the minor to a parent, guardian, responsible adult  
110 relative, or other responsible adult;

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

Amendment No. (for drafter's use only)

113 (c) Issue a notice to appear pursuant to chapter 901 and  
114 deliver the minor to an appropriate substance abuse treatment or  
115 rehabilitation facility or refer the minor to an appropriate  
116 medical facility as provided in s. 901.29. If the minor cannot  
117 be delivered to an appropriate substance abuse treatment or  
118 rehabilitation facility or medical facility, the arresting  
119 officer may deliver the minor to an appropriate intake office of  
120 the Department of Juvenile Justice, which shall take custody of  
121 the minor and make any appropriate referrals; or

122 (d) If the violation constitutes a felony and the minor  
123 cannot be released pursuant to s. 903.03, transport and deliver  
124 the minor to an appropriate Department of Juvenile Justice  
125 intake office. Upon delivery of the minor to the intake office,  
126 the department shall assume custody and proceed pursuant to  
127 chapter 984 or chapter 985.

128  
129 If action is not taken pursuant to paragraphs (a)-(d), the minor  
130 shall be delivered to the Department of Juvenile Justice, and  
131 the department shall make every reasonable effort to contact the  
132 parents, guardian, or responsible adult relative to take custody  
133 of the minor. If there is no parent, guardian, or responsible  
134 adult relative available, the department may retain custody of  
135 the minor for up to 24 hours.

136 Section 7. Section 373.603, Florida Statutes, is amended  
137 to read:

138 373.603 Power to enforce.--The Department of Environmental  
139 Protection or the governing board of any water management  
140 district and any officer or agent thereof may enforce any  
141 provision of this law or any rule or regulation adopted and

340119

Amendment No. (for drafter's use only)

142 promulgated or order issued thereunder to the same extent as any  
143 peace officer is authorized to enforce the law. Any officer or  
144 agent of any such board may appear before any trial court judge  
145 ~~magistrate~~ empowered to issue warrants in criminal cases and  
146 make an affidavit and apply for the issuance of a warrant in the  
147 manner provided by law. ~~and said magistrate,~~ If such affidavit  
148 alleges ~~shall allege~~ the commission of an offense, the trial  
149 court judge shall issue a warrant directed to any sheriff or  
150 deputy for the arrest of any offender. The provisions of this  
151 section shall apply to the Florida Water Resources Act of 1972  
152 in its entirety.

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

155 381.0012 Enforcement authority.--

156 (4) The department may appear before any trial court judge  
157 ~~magistrate~~ empowered to issue warrants in criminal cases and  
158 request the issuance of a warrant. The trial court judge  
159 ~~magistrate~~ shall issue a warrant directed to any sheriff,  
160 deputy, or police officer to assist in any way to carry out the  
161 purpose and intent of this chapter.

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

164 450.121 Enforcement of Child Labor Law.--

165 (3) It is the duty of any trial court judge ~~magistrate~~ of  
166 any court in the state to issue warrants and try cases made  
167 within the limit of any municipality ~~city~~ over which such  
168 magistrate has jurisdiction in connection with the violation of  
169 this law.

Amendment No. (for drafter's use only)

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

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

177 560.306 Standards.--

178 (2) The department may deny registration if it finds that  
179 the applicant, or any money transmitter-affiliated party of the  
180 applicant, has been convicted of a crime involving moral  
181 turpitude in any jurisdiction or of a crime which, if committed  
182 in this state, would constitute a crime involving moral  
183 turpitude under the laws of this state. For the purposes of this  
184 part, a person shall be deemed to have been convicted of a crime  
185 if such person has either pleaded guilty to or been found guilty  
186 of a charge before a court or a federal magistrate, or by the  
187 verdict of a jury, irrespective of the pronouncement of sentence  
188 or the suspension thereof. The department may take into  
189 consideration the fact that such plea of guilty, or such  
190 decision, judgment, or verdict, has been set aside, reversed, or  
191 otherwise abrogated by lawful judicial process or that the  
192 person convicted of the crime received a pardon from the  
193 jurisdiction where the conviction was entered or received a  
194 certificate pursuant to any provision of law which removes the  
195 disability under this part because of such conviction.

196 Section 11. Section 633.14, Florida Statutes, is amended  
197 to read:

Amendment No. (for drafter's use only)

198           633.14 Agents; powers to make arrests, conduct searches  
199 and seizures, serve summonses, and carry firearms.--Agents of  
200 the State Fire Marshal shall have the same authority to serve  
201 summonses, make arrests, carry firearms, and make searches and  
202 seizures, as the sheriff or her or his deputies, in the  
203 respective counties where such investigations, hearings, or  
204 inspections may be held; and affidavits necessary to authorize  
205 any such arrests, searches, or seizures may be made before any  
206 trial court judge ~~magistrate~~ having authority under the law to  
207 issue appropriate processes.

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

211           648.44 Prohibitions; penalty.--

212           (1) A bail bond agent or temporary bail bond agent may  
213 not:

214           (e) Pay a fee or rebate or give or promise anything of  
215 value to a jailer, police officer, peace officer, or committing  
216 trial court judge ~~magistrate~~ or any other person who has power  
217 to arrest or to hold in custody or to any public official or  
218 public employee in order to secure a settlement, compromise,  
219 remission, or reduction of the amount of any bail bond or  
220 estreatment thereof.

221           (2) The following persons or classes shall not be bail  
222 bond agents, temporary bail bond agents, or employees of a bail  
223 bond agent or a bail bond business and shall not directly or  
224 indirectly receive any benefits from the execution of any bail  
225 bond:



Amendment No. (for drafter's use only)

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

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

230 817.482 Possessing or transferring device for theft of  
231 telecommunications service; concealment of destination of  
232 telecommunications service.--

233 (3) Any such instrument, apparatus, equipment, or device,  
234 or plans or instructions therefor, referred to in subsections  
235 (1) and (2), may be seized by court order or under a search  
236 warrant of a judge ~~or magistrate~~ or incident to a lawful arrest;  
237 and upon the conviction of any person for a violation of any  
238 provision of this act, or s. 817.481, such instrument,  
239 apparatus, equipment, device, plans, or instructions either  
240 shall be destroyed as contraband by the sheriff of the county in  
241 which such person was convicted or turned over to the telephone  
242 company in whose territory such instrument, apparatus,  
243 equipment, device, plans, or instructions were seized.

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

246 828.122 Fighting or baiting animals; offenses;  
247 penalties.--

248 (5) Whenever an indictment is returned or an information  
249 is filed charging a violation of s. 828.12 or of this section  
250 and, in the case of an information, a trial court judge  
251 ~~magistrate~~ finds probable cause that a violation has occurred,  
252 the court shall order the animals seized and shall provide for  
253 appropriate and humane care or disposition of the animals. This

Amendment No. (for drafter's use only)

254 provision shall not be construed as a limitation on the power to  
255 seize animals as evidence at the time of arrest.

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

258 832.05 Giving worthless checks, drafts, and debit card  
259 orders; penalty; duty of drawee; evidence; costs; complaint  
260 form.--

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

267 Section 16. Section 876.42, Florida Statutes, is amended  
268 to read:

269 876.42 Witnesses' privileges.--No person shall be excused  
270 from attending and testifying, or producing any books, papers,  
271 or other documents before any court, ~~magistrate~~, referee, or  
272 grand jury upon any investigation, proceeding, or trial, for or  
273 relating to or concerned with a violation of any section of this  
274 law or attempt to commit such violation, upon the ground or for  
275 the reason that the testimony or evidence, documentary or  
276 otherwise, required by the state may tend to convict the person  
277 of a crime or to subject him or her to a penalty or forfeiture;  
278 but no person shall be prosecuted or subjected to any penalty or  
279 forfeiture for or on account of any transaction, matter, or  
280 thing concerning which the person may so testify or produce  
281 evidence, documentary or otherwise, and no testimony so given or  
282 produced shall be received against the person, upon any criminal

340119

Amendment No. (for drafter's use only)

283 investigation, proceeding, or trial, except upon a prosecution  
284 for perjury or contempt of court, based upon the giving or  
285 producing of such testimony.

286 Section 17. Paragraph (a) of subsection (1) of section  
287 893.12, Florida Statutes, is amended to read:

288 893.12 Contraband; seizure, forfeiture, sale.--

289 (1) All substances controlled by this chapter and all  
290 listed chemicals, which substances or chemicals are handled,  
291 delivered, possessed, or distributed contrary to any provisions  
292 of this chapter, and all such controlled substances or listed  
293 chemicals the lawful possession of which is not established or  
294 the title to which cannot be ascertained, are declared to be  
295 contraband, are subject to seizure and confiscation by any  
296 person whose duty it is to enforce the provisions of the  
297 chapter, and shall be disposed of as follows:

298 (a) Except as in this section otherwise provided, the  
299 court having jurisdiction shall order such controlled substances  
300 or listed chemicals forfeited and destroyed. A record of the  
301 place where said controlled substances or listed chemicals were  
302 seized, of the kinds and quantities of controlled substances or  
303 listed chemicals destroyed, and of the time, place, and manner  
304 of destruction shall be kept, and a return under oath reporting  
305 said destruction shall be made to the court ~~or magistrate~~ by the  
306 officer who destroys them.

307 Section 18. Section 901.01, Florida Statutes, is amended  
308 to read:

309 901.01 Judicial officers have to be committing authority  
310 ~~magistrates~~.--Each state judicial officer is a conservator of  
311 the peace and has a committing ~~magistrate with~~ authority to

340119

Amendment No. (for drafter's use only)

312 issue warrants of arrest, commit offenders to jail, and  
313 recognize them to appear to answer the charge. He or she may  
314 require sureties of the peace when the peace has been  
315 substantially threatened or disturbed.

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

318 901.02 When warrant of arrest to be issued.--

319 (1) A warrant may be issued for the arrest of the person  
320 complained against if the trial court judge ~~magistrate~~, from the  
321 examination of the complainant and other witnesses, reasonably  
322 believes that the person complained against has committed an  
323 offense within the trial court judge's ~~magistrate's~~  
324 jurisdiction. A warrant is issued at the time it is signed by  
325 the trial court judge ~~magistrate~~.

326 Section 20. Section 901.07, Florida Statutes, is amended  
327 to read:

328 901.07 Admission to bail when arrest occurs in another  
329 county.--

330 (1) When an arrest by a warrant occurs in a county other  
331 than the one in which the alleged offense was committed and the  
332 warrant issued, if the person arrested has a right to bail, the  
333 arresting officer shall inform the person of his or her right  
334 and, upon request, shall take the person before a trial court  
335 judge ~~magistrate~~ or other official of the same county having  
336 authority to admit to bail. The official shall admit the person  
337 arrested to bail for his or her appearance before the trial  
338 court judge ~~magistrate~~ who issued the warrant.

339 (2) If the person arrested does not have a right to bail  
340 or, when informed of his or her right to bail, does not furnish

340119

Amendment No. (for drafter's use only)

341 bail immediately, the officer who made the arrest or the officer  
342 having the warrant shall take the person before the trial court  
343 judge ~~magistrate~~ who issued the warrant.

344 Section 21. Section 901.08, Florida Statutes, is amended  
345 to read:

346 901.08 Issue of warrant when offense triable in another  
347 county.--

348 (1) When a complaint before a trial court judge ~~magistrate~~  
349 charges the commission of an offense that is punishable by death  
350 or life imprisonment and is triable in another county of the  
351 state, but it appears that the person against whom the complaint  
352 is made is in the county where the complaint is made, the same  
353 proceedings for issuing a warrant shall be used as prescribed in  
354 this chapter, except that the warrant shall require the person  
355 against whom the complaint is made to be taken before a  
356 designated trial court judge ~~magistrate~~ of the county in which  
357 the offense is triable.

358 (2) If the person arrested has a right to bail, the  
359 officer making the arrest shall inform the person of his or her  
360 right to bail and, on request, shall take the person before a  
361 trial court judge ~~magistrate~~ or other official having authority  
362 to admit to bail in the county in which the arrest is made. The  
363 official shall admit the person to bail for his or her  
364 appearance before the trial court judge ~~magistrate~~ designated in  
365 the warrant.

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

340119

Amendment No. (for drafter's use only)

370 Section 22. Section 901.09, Florida Statutes, is amended  
371 to read:

372 901.09 When summons shall be issued.--

373 (1) When the complaint is for an offense that the trial  
374 court judge ~~magistrate~~ is empowered to try summarily, the trial  
375 court judge ~~magistrate~~ shall issue a summons instead of a  
376 warrant, unless she or he reasonably believes that the person  
377 against whom the complaint was made will not appear upon a  
378 summons, in which event the trial court judge ~~magistrate~~ shall  
379 issue a warrant.

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

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

389 Section 23. Section 901.11, Florida Statutes, is amended  
390 to read:

391 901.11 Effect of not answering summons.--Failure to appear  
392 as commanded by a summons without good cause is an indirect  
393 criminal contempt of court and may be punished by a fine of not  
394 more than \$100. When a person fails to appear as commanded by a  
395 summons, the trial court judge ~~magistrate~~ shall issue a warrant.  
396 If the trial court judge ~~magistrate~~ acquires reason to believe  
397 that the person summoned will not appear as commanded after

Amendment No. (for drafter's use only)

398 issuing a summons, the trial court judge ~~magistrate~~ may issue a  
399 warrant.

400 Section 24. Section 901.12, Florida Statutes, is amended  
401 to read:

402 901.12 Summons against corporation.--When a complaint of  
403 an offense is made against a corporation, the trial court judge  
404 ~~magistrate~~ shall issue a summons that shall set forth  
405 substantially the nature of the offense and command the  
406 corporation to appear before the trial court judge ~~magistrate~~ at  
407 a stated time and place.

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

410 901.25 Fresh pursuit; arrest outside jurisdiction.--

411 (3) If an arrest is made in this state by an officer  
412 outside the county within which his or her jurisdiction lies,  
413 the officer shall immediately notify the officer in charge of  
414 the jurisdiction in which the arrest is made. Such officer in  
415 charge of the jurisdiction shall, along with the officer making  
416 the arrest, take the person so arrested before a trial county  
417 ~~court judge or other committing magistrate~~ of the county in  
418 which the arrest was made without unnecessary delay.

419 Section 26. Section 902.15, Florida Statutes, is amended  
420 to read:

421 902.15 Undertaking by witness.--When a defendant is held  
422 to answer on a charge for a crime punishable by death or life  
423 imprisonment, the trial court judge ~~magistrate~~ at the  
424 preliminary hearing may require each material witness to enter  
425 into a written recognizance to appear at the trial or forfeit a  
426 sum fixed by the trial court judge ~~magistrate~~. Additional

340119

Amendment No. (for drafter's use only)

427 security may be required in the discretion of the trial court  
428 judge magistrate.

429 Section 27. Subsections (1), (2), and (3) of section  
430 902.17, Florida Statutes, are amended to read:

431 902.17 Procedure when witness does not give security.--

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

436 (2) If the trial court judge ~~magistrate~~ requires a witness  
437 to give security for her or his appearance and the witness is  
438 unable to give the security, the witness may apply to the court  
439 having jurisdiction to try the defendant for a reduction of the  
440 security.

441 (3) If it appears from examination on oath of the witness  
442 or any other person that the witness is unable to give security,  
443 the trial court judge ~~magistrate~~ or the court having  
444 jurisdiction to try the defendant shall make an order finding  
445 that fact, and the witness shall be detained pending application  
446 for her or his conditional examination. Within 3 days after ~~from~~  
447 the entry of the order, the witness shall be conditionally  
448 examined on application of the state or the defendant. The  
449 examination shall be by question and answer in the presence of  
450 the other party and counsel, and shall be transcribed by a court  
451 reporter or stenographer selected by the parties. At the  
452 completion of the examination the witness shall be discharged.  
453 The deposition of the witness may be introduced in evidence at  
454 the trial by the defendant, or, if the prosecuting attorney and  
455 the defendant and the defendant's counsel agree, it may be

340119



Amendment No. (for drafter's use only)

456 admitted in evidence by stipulation. The deposition shall not be  
457 admitted on behalf of the state without the consent of the  
458 defendant.

459 Section 28. Section 902.20, Florida Statutes, is amended  
460 to read:

461 902.20 Contempts before committing trial court judge  
462 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding a  
463 preliminary hearing shall have the same power to punish for  
464 contempts that she or he has while presiding at the trial of  
465 criminal cases.

466 Section 29. Section 902.21, Florida Statutes, is amended  
467 to read:

468 902.21 Commitment to jail in another county.--If a person  
469 is committed in a county where there is no jail, the committing  
470 trial court judge ~~magistrate~~ shall direct the sheriff to deliver  
471 the accused to a jail in another county.

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

474 903.03 Jurisdiction of trial court to admit to bail;  
475 duties and responsibilities of Department of Corrections.--

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

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

340119

Amendment No. (for drafter's use only)

485 903.32 Defects in bond.--

486 (2) If no day, or an impossible day, is stated in a bond  
487 for the defendant's appearance before a trial court judge  
488 ~~magistrate~~ for a hearing, the defendant shall be bound to appear  
489 10 days after receipt of notice to appear by the defendant, the  
490 defendant's counsel, or any surety on the undertaking. If no  
491 day, or an impossible day, is stated in a bond for the  
492 defendant's appearance for trial, the defendant shall be bound  
493 to appear on the first day of the next term of court that will  
494 commence more than 3 days after the undertaking is given.

495 Section 32. Section 903.34, Florida Statutes, is amended  
496 to read:

497 903.34 Who may admit to bail.--In criminal actions  
498 instituted or pending in any state court, bonds given by  
499 defendants before trial until appeal shall be approved by a  
500 committing trial court judge ~~magistrate~~ or the sheriff. Appeal  
501 bonds shall be approved as provided in s. 924.15.

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

504 914.22 Tampering with a witness, victim, or informant.--

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

507 (a) That the official proceeding before a judge, court,  
508 ~~magistrate~~, grand jury, or government agency is before a judge  
509 or court of the state, a state or local grand jury, or a state  
510 agency; or

511 (b) That the judge is a judge of the state or that the law  
512 enforcement officer is an officer or employee of the state or a

Amendment No. (for drafter's use only)

513 person authorized to act for or on behalf of the state or  
514 serving the state as an adviser or consultant.

515 Section 34. Section 923.01, Florida Statutes, is amended  
516 to read:

517 923.01 Criminal report.--Each committing trial court judge  
518 ~~magistrate~~ at the time commitment papers are sent by her or him  
519 to the proper trial court, and the sheriff when an arrest is  
520 made, other than on a capias, shall transmit to the prosecuting  
521 attorney of the trial court having jurisdiction, a report in the  
522 following form:

523 CRIMINAL REPORT

524 Date: \_\_\_\_ Name and address of defendant: \_\_\_\_ Age: \_\_\_\_ . If  
525 under 18, give name and address of parent, next friend, or  
526 guardian: \_\_\_\_ Name of offense, such as murder, assault,  
527 robbery, etc.: \_\_\_\_ Date and place where committed: \_\_\_\_ Value  
528 of property stolen: \_\_\_\_ Kind of property stolen: \_\_\_\_ Kind of  
529 building robbed: \_\_\_\_ Name and address of owner of property  
530 stolen or building robbed: \_\_\_\_ Name and address of occupant of  
531 building robbed: \_\_\_\_ Name of party assaulted or murdered: \_\_\_\_  
532 Weapon used in assault or murder: \_\_\_\_ Exhibits taken at scene  
533 of crime or from defendant: \_\_\_\_ Name of custodian of such  
534 exhibits: \_\_\_\_ Location of building or place where offense  
535 committed: \_\_\_\_ Previous prison record of defendant: \_\_\_\_ Has  
536 defendant been arrested: \_\_\_\_ Does defendant desire to plead  
537 guilty: \_\_\_\_ Names and addresses of state witnesses: \_\_\_\_ Name  
538 of defendant's lawyer: \_\_\_\_ If defendant is released on bond,  
539 names and addresses of sureties: \_\_\_\_ Brief statement of facts:  
540 \_\_\_\_ Name of committing trial court judge ~~magistrate~~: \_\_\_\_ If  
541 additional space required, use reverse side of this sheet.

340119

Amendment No. (for drafter's use only)

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

543 Section 35. Section 933.01, Florida Statutes, is amended  
544 to read:

545 933.01 Persons competent to issue search warrant.--A  
546 search warrant authorized by law may be issued by any judge,  
547 including the ~~judge of any circuit court of this state or county~~  
548 ~~court judge, or committing~~ judge of the trial court magistrate  
549 having jurisdiction where the place, vehicle, or thing to be  
550 searched may be.

551 Section 36. Section 933.06, Florida Statutes, is amended  
552 to read:

553 933.06 Sworn application required before issuance.--The  
554 judge ~~or magistrate~~ must, before issuing the warrant, have the  
555 application of some person for said warrant duly sworn to and  
556 subscribed, and may receive further testimony from witnesses or  
557 supporting affidavits, or depositions in writing, to support the  
558 application. The affidavit and further proof, if same be had or  
559 required, must set forth the facts tending to establish the  
560 grounds of the application or probable cause for believing that  
561 they exist.

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

564 933.07 Issuance of search warrants.--

565 (1) The judge, upon examination of the application and  
566 proofs submitted, if satisfied that probable cause exists for  
567 the issuing of the search warrant, shall thereupon issue a  
568 search warrant signed by him or her with his or her name of  
569 office, to any sheriff and the sheriff's deputies or any police  
570 officer or other person authorized by law to execute process,

Amendment No. (for drafter's use only)

571 commanding the officer or person forthwith to search the  
572 property described in the warrant or the person named, for the  
573 property specified, and to bring the property and any person  
574 arrested in connection therewith before the judge ~~magistrate~~ or  
575 some other court having jurisdiction of the offense.

576 Section 38. Section 933.10, Florida Statutes, is amended  
577 to read:

578 933.10 Execution of search warrant during day or night.--A  
579 search warrant issued under ~~the provisions of~~ this chapter may,  
580 if expressly authorized in such warrant by the judge ~~or~~  
581 ~~magistrate issuing the same~~, be executed by being served either  
582 in the daytime or in the nighttime, as the exigencies of the  
583 occasion may demand or require.

584 Section 39. Section 933.101, Florida Statutes, is amended  
585 to read:

586 933.101 Service on Sunday.--A search warrant may be  
587 executed by being served on Sunday, if expressly authorized in  
588 such warrant by the judge ~~or magistrate issuing the same~~.

589 Section 40. Section 933.13, Florida Statutes, is amended  
590 to read:

591 933.13 Copy of inventory shall be delivered upon  
592 request.--The judge ~~or magistrate~~ to whom the warrant is  
593 returned, upon the request of any claimant or any person from  
594 whom said property is taken, or the officer who executed the  
595 search warrant, shall deliver to said applicant a true copy of  
596 the inventory of the property mentioned in the return on said  
597 warrant.

598 Section 41. Subsections (1), (3), and (4) of section  
599 933.14, Florida Statutes, are amended to read:

340119

Amendment No. (for drafter's use only)

600 933.14 Return of property taken under search warrant.--

601 (1) If it appears to the ~~magistrate~~ or judge before whom  
602 the warrant is returned that the property or papers taken are  
603 not the same as that described in the warrant, or that there is  
604 no probable cause for believing the existence of the grounds  
605 upon which the warrant was issued, or if it appears to the judge  
606 ~~magistrate~~ before whom any property is returned that the  
607 property was secured by an "unreasonable" search, the judge ~~or~~  
608 ~~magistrate~~ may order a return of the property taken; provided,  
609 however, that in no instance shall contraband such as slot  
610 machines, gambling tables, lottery tickets, tally sheets,  
611 rundown sheets, or other gambling devices, paraphernalia and  
612 equipment, or narcotic drugs, obscene prints and literature be  
613 returned to anyone claiming an interest therein, it being the  
614 specific intent of the Legislature that no one has any property  
615 rights subject to be protected by any constitutional provision  
616 in such contraband; provided, further, that the claimant of said  
617 contraband may upon sworn petition and proof submitted by him or  
618 her in the circuit court of the county where seized, show that  
619 said contraband articles so seized were held, used or possessed  
620 in a lawful manner, for a lawful purpose, and in a lawful place,  
621 the burden of proof in all cases being upon the claimant. The  
622 sworn affidavit or complaint upon which the search warrant was  
623 issued or the testimony of the officers showing probable cause  
624 to search without a warrant or incident to a legal arrest, and  
625 the finding of such slot machines, gambling tables, lottery  
626 tickets, tally sheets, rundown sheets, scratch sheets, or other  
627 gambling devices, paraphernalia, and equipment, including money  
628 used in gambling or in furtherance of gambling, or narcotic

340119

Amendment No. (for drafter's use only)

629 drugs, obscene prints and literature, or any of them, shall  
630 constitute prima facie evidence of the illegal possession of  
631 such contraband and the burden shall be upon the claimant for  
632 the return thereof, to show that such contraband was lawfully  
633 acquired, possessed, held, and used.

634 (3) No pistol or firearm taken by any officer with a  
635 search warrant or without a search warrant upon a view by the  
636 officer of a breach of the peace shall be returned except  
637 pursuant to an order of a trial ~~circuit judge or a county~~ court  
638 judge.

639 (4) If no cause is shown for the return of any property  
640 seized or taken under a search warrant, the judge ~~or magistrate~~  
641 shall order that the same be impounded for use as evidence at  
642 any trial of any criminal or penal cause growing out of the  
643 having or possession of said property, but perishable property  
644 held or possessed in violation of law may be sold where the same  
645 is not prohibited, as may be directed by the court, or returned  
646 to the person from whom taken. The judge ~~or magistrate~~ to whom  
647 said search warrant is returned shall file the same with the  
648 inventory and sworn return in the proper office, and if the  
649 original affidavit and proofs upon which the warrant was issued  
650 are in his or her possession, he or she shall apply to the  
651 officer having the same and the officer shall transmit and  
652 deliver all of the papers, proofs, and certificates to the  
653 proper office where the proceedings are lodged.

654 Section 42. Section 939.02, Florida Statutes, is amended  
655 to read:

656 939.02 Costs before committing trial court judge  
657 ~~magistrate~~.--All costs accruing before a committing trial court

Amendment No. (for drafter's use only)

658 judge ~~magistrate~~ shall be taxed against the defendant on  
659 conviction or estreat of recognizance.

660 Section 43. Section 939.14, Florida Statutes, is amended  
661 to read:

662 939.14 County not to pay costs in cases where information  
663 is not filed or indictment found.--When a committing trial court  
664 judge ~~magistrate~~ holds to bail or commits any person to answer a  
665 criminal charge in a county court or a circuit court, and an  
666 information is not filed nor an indictment found against such  
667 person, the costs of such committing trial shall not be paid by  
668 the county, except the costs for executing the warrant.

669 Section 44. Section 941.13, Florida Statutes, is amended  
670 to read:

671 941.13 Arrest prior to requisition.--Whenever any person  
672 within this state shall be charged on the oath of any credible  
673 person before any judge ~~or magistrate~~ of this state with the  
674 commission of any crime in any other state, and, except in cases  
675 arising under s. 941.06, with having fled from justice or with  
676 having been convicted of a crime in that state and having  
677 escaped from confinement, or having broken the terms of his or  
678 her bail, probation, or parole, or whenever complaint shall have  
679 been made before any judge ~~or magistrate~~ in this state setting  
680 forth on the affidavit of any credible person in another state  
681 that a crime has been committed in such other state and that the  
682 accused has been charged in such state with the commission of  
683 the crime, and, except in cases arising under s. 941.06, has  
684 fled from justice, or with having been convicted of a crime in  
685 that state and having escaped from confinement, or having broken  
686 the terms of his or her bail, probation, or parole, and is

340119



Amendment No. (for drafter's use only)

687 believed to be in this state, the judge ~~or magistrate~~ shall  
688 issue a warrant directed to any peace officer commanding him or  
689 her to apprehend the person named therein, wherever the person  
690 may be found in this state, and to bring the person before the  
691 same or any other judge, ~~magistrate,~~ or court who or which may  
692 be available in, or convenient of, access to the place where the  
693 arrest may be made, to answer the charge or complaint and  
694 affidavit, and a certified copy of the sworn charge or complaint  
695 and affidavit upon which the warrant is issued shall be attached  
696 to the warrant.

697 Section 45. Section 941.14, Florida Statutes, is amended  
698 to read:

699 941.14 Arrest without a warrant.--The arrest of a person  
700 may be lawfully made also by any peace officer or a private  
701 person, without a warrant upon reasonable information that the  
702 accused stands charged in the courts of a state with a crime  
703 punishable by death or imprisonment for a term exceeding 1 year,  
704 but when so arrested the accused must be taken before a judge ~~or~~  
705 ~~magistrate~~ with all practicable speed and complaint must be made  
706 against the accused under oath setting forth the ground for the  
707 arrest as in the preceding section; and thereafter his or her  
708 answer shall be heard as if the accused had been arrested on a  
709 warrant.

710 Section 46. Section 941.15, Florida Statutes, is amended  
711 to read:

712 941.15 Commitment to await requisition; bail.--If from the  
713 examination before the judge ~~or magistrate~~ it appears that the  
714 person held is the person charged with having committed the  
715 crime alleged and, except in cases arising under s. 941.06, that

340119

Amendment No. (for drafter's use only)

716 the person has fled from justice, the judge ~~or magistrate~~ must,  
717 by a warrant reciting the accusation, commit the person to the  
718 county jail for such a time not exceeding 30 days and specified  
719 in the warrant, ~~as will enable the arrest of the accused to be~~  
720 made under a warrant of the Governor on a requisition of the  
721 executive authority of the state having jurisdiction of the  
722 offense, unless the accused gives ~~give~~ bail as provided in s.  
723 941.16 ~~the next section~~, or until the accused shall be legally  
724 discharged.

725 Section 47. Section 941.17, Florida Statutes, is amended  
726 to read:

727 941.17 Extension of time of commitment, adjournment.--If  
728 the accused is not arrested under warrant of the Governor by the  
729 expiration of the time specified in the warrant or bond, a judge  
730 ~~or magistrate~~ may discharge the accused or may recommit him or  
731 her for a further period not to exceed 60 days, or a judge ~~or~~  
732 ~~magistrate judge~~ may again take bail for his or her appearance  
733 and surrender, as provided in s. 941.16, but within a period not  
734 to exceed 60 days after the date of such new bond.

735 Section 48. Section 941.18, Florida Statutes, is amended  
736 to read:

737 941.18 Forfeiture of bail.--If the prisoner is admitted to  
738 bail, and fails to appear and surrender himself or herself  
739 according to the conditions of his or her bond, the judge, ~~or~~  
740 ~~magistrate by proper order~~, shall declare the bond forfeited and  
741 order his or her immediate arrest without warrant if he or she  
742 is ~~be~~ within this state. Recovery may be had on such bond in the  
743 name of the state as in the case of other bonds given by the  
744 accused in criminal proceedings within this state.

Amendment No. (for drafter's use only)

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

747 947.141 Violations of conditional release, control  
748 release, or conditional medical release or addiction-recovery  
749 supervision.--

750 (2) Upon the arrest on a felony charge of an offender who  
751 is on release supervision under s. 947.1405, s. 947.146, s.  
752 947.149, or s. 944.4731, the offender must be detained without  
753 bond until the initial appearance of the offender at which a  
754 judicial determination of probable cause is made. If the trial  
755 court judge ~~magistrate~~ determines that there was no probable  
756 cause for the arrest, the offender may be released. If the trial  
757 court judge ~~magistrate~~ determines that there was probable cause  
758 for the arrest, such determination also constitutes reasonable  
759 grounds to believe that the offender violated the conditions of  
760 the release. Within 24 hours after the trial court judge's  
761 ~~magistrate's~~ finding of probable cause, the detention facility  
762 administrator or designee shall notify the commission and the  
763 department of the finding and transmit to each a facsimile copy  
764 of the probable cause affidavit or the sworn offense report upon  
765 which the trial court judge's ~~magistrate's~~ probable cause  
766 determination is based. The offender must continue to be  
767 detained without bond for a period not exceeding 72 hours  
768 excluding weekends and holidays after the date of the probable  
769 cause determination, pending a decision by the commission  
770 whether to issue a warrant charging the offender with violation  
771 of the conditions of release. Upon the issuance of the  
772 commission's warrant, the offender must continue to be held in

Amendment No. (for drafter's use only)

773 custody pending a revocation hearing held in accordance with  
774 this section.

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

777 948.06 Violation of probation or community control;  
778 revocation; modification; continuance; failure to pay  
779 restitution or cost of supervision.--

780 (1) Whenever within the period of probation or community  
781 control there are reasonable grounds to believe that a  
782 probationer or offender in community control has violated his or  
783 her probation or community control in a material respect, any  
784 law enforcement officer who is aware of the probationary or  
785 community control status of the probationer or offender in  
786 community control or any parole or probation supervisor may  
787 arrest or request any county or municipal law enforcement  
788 officer to arrest such probationer or offender without warrant  
789 wherever found and forthwith return him or her to the court  
790 granting such probation or community control. Any committing  
791 trial court judge ~~magistrate~~ may issue a warrant, upon the facts  
792 being made known to him or her by affidavit of one having  
793 knowledge of such facts, for the arrest of the probationer or  
794 offender, returnable forthwith before the court granting such  
795 probation or community control. Any parole or probation  
796 supervisor, any officer authorized to serve criminal process, or  
797 any peace officer of this state is authorized to serve and  
798 execute such warrant. Upon the filing of an affidavit alleging a  
799 violation of probation or community control and following  
800 issuance of a warrant under s. 901.02, the probationary period  
801 is tolled until the court enters a ruling on the violation.

340119

Amendment No. (for drafter's use only)

802 Notwithstanding the tolling of probation as provided in this  
803 subsection, the court shall retain jurisdiction over the  
804 offender for any violation of the conditions of probation or  
805 community control that is alleged to have occurred during the  
806 tolling period. The probation officer is permitted to continue  
807 to supervise any offender who remains available to the officer  
808 for supervision until the supervision expires pursuant to the  
809 order of probation or community control or until the court  
810 revokes or terminates the probation or community control,  
811 whichever comes first. The court, upon the probationer or  
812 offender being brought before it, shall advise him or her of  
813 such charge of violation and, if such charge is admitted to be  
814 true, may forthwith revoke, modify, or continue the probation or  
815 community control or place the probationer into a community  
816 control program. If probation or community control is revoked,  
817 the court shall adjudge the probationer or offender guilty of  
818 the offense charged and proven or admitted, unless he or she has  
819 previously been adjudged guilty, and impose any sentence which  
820 it might have originally imposed before placing the probationer  
821 on probation or the offender into community control. If such  
822 violation of probation or community control is not admitted by  
823 the probationer or offender, the court may commit him or her or  
824 release him or her with or without bail to await further  
825 hearing, or it may dismiss the charge of probation or community  
826 control violation. If such charge is not at that time admitted  
827 by the probationer or offender and if it is not dismissed, the  
828 court, as soon as may be practicable, shall give the probationer  
829 or offender an opportunity to be fully heard on his or her  
830 behalf in person or by counsel. After such hearing, the court

340119

Amendment No. (for drafter's use only)

831 may revoke, modify, or continue the probation or community  
832 control or place the probationer into community control. If such  
833 probation or community control is revoked, the court shall  
834 adjudge the probationer or offender guilty of the offense  
835 charged and proven or admitted, unless he or she has previously  
836 been adjudged guilty, and impose any sentence which it might  
837 have originally imposed before placing the probationer or  
838 offender on probation or into community control. Notwithstanding  
839 s. 775.082, when a period of probation or community control has  
840 been tolled, upon revocation or modification of the probation or  
841 community control, the court may impose a sanction with a term  
842 that when combined with the amount of supervision served and  
843 tolled, exceeds the term permissible pursuant to s. 775.082 for  
844 a term up to the amount of the tolled period supervision. If the  
845 court dismisses an affidavit alleging a violation of probation  
846 or community control, the offender's probation or community  
847 control shall continue as previously imposed, and the offender  
848 shall receive credit for all tolled time against his or her term  
849 of probation or community control.

850 Section 51. Paragraph (b) of subsection (4) of section  
851 985.05, Florida Statutes, is amended to read:

852 985.05 Court records.--

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

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

Amendment No. (for drafter's use only)

860 Section 52. Section 56.071, Florida Statutes, is amended  
861 to read:

862 56.071 Executions on equities of redemption; discovery of  
863 value.--On motion made by the party causing a levy to be made on  
864 an equity of redemption, the court from which the execution  
865 issued shall order the mortgagor, mortgagee, and all other  
866 persons interested in the mortgaged property levied on to appear  
867 and be examined about the amount remaining due on the mortgage,  
868 the amount that has been paid, the party to whom that amount has  
869 been paid, and the date when that amount was paid to whom and  
870 when paid so that the value of the equity of redemption may be  
871 ascertained before the property ~~it~~ is sold. The court may  
872 appoint a general or special magistrate ~~master~~ to conduct the  
873 examination. This section shall also apply to the interest of  
874 and personal property in possession of a vendee under a retained  
875 title contract or conditional sales contract.

876 Section 53. Subsections (2), (7), and (10) of section  
877 56.29, Florida Statutes, are amended to read:

878 56.29 Proceedings supplementary.--

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

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

340119

Amendment No. (for drafter's use only)

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

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

895 61.1826 Procurement of services for State Disbursement  
896 Unit and the non-Title IV-D component of the State Case  
897 Registry; contracts and cooperative agreements; penalties;  
898 withholding payment.--

899 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The  
900 contract between the Florida Association of Court Clerks and the  
901 department, and cooperative agreements entered into by the  
902 depositories and the department, must contain, but are not  
903 limited to, the following terms:

904 (a) The initial term of the contract and cooperative  
905 agreements is for 5 years. The subsequent term of the contract  
906 and cooperative agreements is for 3 years, with the option of  
907 two 1-year renewal periods, at the sole discretion of the  
908 department.

909 (b) The duties and responsibilities of the Florida  
910 Association of Court Clerks, the depositories, and the  
911 department.

912 (c) Under s. 287.058(1)(a), all providers and  
913 subcontractors shall submit to the department directly, or  
914 through the Florida Association of Court Clerks, a report of  
915 monthly expenditures in a format prescribed by the department  
916 and in sufficient detail for a proper preaudit and postaudit  
917 thereof.

340119



Amendment No. (for drafter's use only)

918 (d) All providers and subcontractors shall submit to the  
919 department directly, or through the Florida Association of Court  
920 Clerks, management reports in a format prescribed by the  
921 department.

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

924 (f) Federal financial participation for eligible Title IV-  
925 D expenditures incurred by the Florida Association of Court  
926 Clerks and the depositories shall be at the maximum level  
927 permitted by federal law for expenditures incurred for the  
928 provision of services in support of child support enforcement in  
929 accordance with 45 C.F.R. part 74 and Federal Office of  
930 Management and Budget Circulars A-87 and A-122 and based on an  
931 annual cost allocation study of each depository. The  
932 depositories shall submit directly, or through the Florida  
933 Association of Court Clerks, claims for Title IV-D expenditures  
934 monthly to the department in a standardized format as prescribed  
935 by the department. The Florida Association of Court Clerks shall  
936 contract with a certified public accounting firm, selected by  
937 the Florida Association of Court Clerks and the department, to  
938 audit and certify quarterly to the department all claims for  
939 expenditures submitted by the depositories for Title IV-D  
940 reimbursement.

941 (g) Upon termination of the contracts between the  
942 department and the Florida Association of Court Clerks or the  
943 depositories, the Florida Association of Court Clerks, its  
944 agents, and the depositories shall assist the department in  
945 making an orderly transition to a private vendor.

Amendment No. (for drafter's use only)

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

948  
949 If either the department or the Florida Association of Court  
950 Clerks objects to a term of the standard cooperative agreement  
951 or contract specified in subsections (2) and (3), the disputed  
952 term or terms shall be presented jointly by the parties to the  
953 Attorney General or the Attorney General's designee, who shall  
954 act as special magistrate ~~master~~. The special magistrate ~~master~~  
955 shall resolve the dispute in writing within 10 days. The  
956 resolution of a dispute by the special magistrate ~~master~~ is  
957 binding on the department and the Florida Association of Court  
958 Clerks.

959 Section 55. Section 64.061, Florida Statutes, is amended  
960 to read:

961 64.061 Partition of property; commissioners; special  
962 magistrate ~~master~~.--

963 (1) APPOINTMENT AND REMOVAL.--When a judgment of partition  
964 is made, the court shall appoint three suitable persons as  
965 commissioners to make the partition. They shall be selected by  
966 the court unless agreed on by the parties. They may be removed  
967 by the court for good cause and others appointed in their  
968 places.

969 (2) POWERS, DUTIES, COMPENSATION AND REPORT OF  
970 COMMISSIONERS.--The commissioners shall be sworn to execute the  
971 trust imposed in them faithfully and impartially before entering  
972 on their duties; have power to employ a surveyor, if necessary,  
973 for the purpose of making partition; be allowed such sum as is  
974 reasonable for their services; to make partition of the lands in

Amendment No. (for drafter's use only)

975 question according to the court's order and report it in writing  
976 to the court without delay.

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

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

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

998 65.061 Quieting title; additional remedy.--

999 (5) RECORDING FINAL JUDGMENTS.--All final judgments may be  
1000 recorded in the county or counties in which the land is situated  
1001 and operate to vest title in like manner as though a conveyance  
1002 were executed by a special magistrate ~~master~~ or commissioner.

Amendment No. (for drafter's use only)

1003 Section 57. Section 69.051, Florida Statutes, is amended  
1004 to read:

1005 69.051 General and special magistrates ~~Masters in~~  
1006 ~~chancery~~; compensation.--General and special magistrates  
1007 appointed by the court ~~Masters in chancery~~ shall be allowed such  
1008 compensation for any services as the court deems reasonable,  
1009 including time consumed in legal research required in preparing  
1010 and summarizing their findings of fact and law.

1011 Section 58. Section 70.51, Florida Statutes, is amended to  
1012 read:

1013 70.51 Land use and environmental dispute resolution.--

1014 (1) This section may be cited as the "Florida Land Use and  
1015 Environmental Dispute Resolution Act."

1016 (2) As used in this section, the term:

1017 (a) "Development order" means any order, or notice of  
1018 proposed state or regional governmental agency action, which is  
1019 or will have the effect of granting, denying, or granting with  
1020 conditions an application for a development permit, and includes  
1021 the rezoning of a specific parcel. Actions by the state or a  
1022 local government on comprehensive plan amendments are not  
1023 development orders.

1024 (b) "Development permit" means any building permit, zoning  
1025 permit, subdivision approval, certification, special exception,  
1026 variance, or any other similar action of local government, as  
1027 well as any permit authorized to be issued under state law by  
1028 state, regional, or local government which has the effect of  
1029 authorizing the development of real property including, but not  
1030 limited to, programs implementing chapters 125, 161, 163, 166,  
1031 187, 258, 372, 373, 378, 380, and 403.

340119

Amendment No. (for drafter's use only)

1032 (c) "Special magistrate ~~master~~" means a person selected by  
1033 the parties to perform the duties prescribed in this section.  
1034 The special magistrate ~~master~~ must be a resident of the state  
1035 and possess experience and expertise in mediation and at least  
1036 one of the following disciplines and a working familiarity with  
1037 the others: land use and environmental permitting, land  
1038 planning, land economics, local and state government  
1039 organization and powers, and the law governing the same.

1040 (d) "Owner" means a person with a legal or equitable  
1041 interest in real property who filed an application for a  
1042 development permit for the property at the state, regional, or  
1043 local level and who received a development order, or who holds  
1044 legal title to real property that is subject to an enforcement  
1045 action of a governmental entity.

1046 (e) "Proposed use of the property" means the proposal  
1047 filed by the owner to develop his or her real property.

1048 (f) "Governmental entity" includes an agency of the state,  
1049 a regional or a local government created by the State  
1050 Constitution or by general or special act, any county or  
1051 municipality, or any other entity that independently exercises  
1052 governmental authority. The term does not include the United  
1053 States or any of its agencies.

1054 (g) "Land" or "real property" means land and includes any  
1055 appurtenances and improvements to the land, including any other  
1056 relevant real property in which the owner had a relevant  
1057 interest.

1058 (3) Any owner who believes that a development order,  
1059 either separately or in conjunction with other development  
1060 orders, or an enforcement action of a governmental entity, is

340119

Amendment No. (for drafter's use only)

1061 unreasonable or unfairly burdens the use of the owner's real  
1062 property, may apply within 30 days after receipt of the order or  
1063 notice of the governmental action for relief under this section.

1064 (4) To initiate a proceeding under this section, an owner  
1065 must file a request for relief with the elected or appointed  
1066 head of the governmental entity that issued the development  
1067 order or orders, or that initiated the enforcement action. The  
1068 head of the governmental entity may not charge the owner for the  
1069 request for relief and must forward the request for relief to  
1070 the special magistrate ~~master~~ who is mutually agreed upon by the  
1071 owner and the governmental entity within 10 days after receipt  
1072 of the request.

1073 (5) The governmental entity with whom a request has been  
1074 filed shall also serve a copy of the request for relief by  
1075 United States mail or by hand delivery to:

1076 (a) Owners of real property contiguous to the owner's  
1077 property at the address on the latest county tax roll.

1078 (b) Any substantially affected party who submitted oral or  
1079 written testimony, sworn or unsworn, of a substantive nature  
1080 which stated with particularity objections to or support for any  
1081 development order at issue or enforcement action at issue.

1082 Notice under this paragraph is required only if that party  
1083 indicated a desire to receive notice of any subsequent special  
1084 magistrate ~~master~~ proceedings occurring on the development order  
1085 or enforcement action. Each governmental entity must maintain in  
1086 its files relating to particular development orders a mailing  
1087 list of persons who have presented oral or written testimony and  
1088 who have requested notice.

1089 (6) The request for relief must contain:

340119

Amendment No. (for drafter's use only)

1090 (a) A brief statement of the owner's proposed use of the  
1091 property.

1092 (b) A summary of the development order or description of  
1093 the enforcement action. A copy of the development order or the  
1094 documentation of an enforcement action at issue must be attached  
1095 to the request.

1096 (c) A brief statement of the impact of the development  
1097 order or enforcement action on the ability of the owner to  
1098 achieve the proposed use of the property.

1099 (d) A certificate of service showing the parties,  
1100 including the governmental entity, served.

1101 (7) The special magistrate ~~master~~ may require other  
1102 information in the interest of gaining a complete understanding  
1103 of the request for relief.

1104 (8) The special magistrate ~~master~~ may conduct a hearing on  
1105 whether the request for relief should be dismissed for failing  
1106 to include the information required in subsection (6). If the  
1107 special magistrate ~~master~~ dismisses the case, the special  
1108 magistrate ~~master~~ shall allow the owner to amend the request and  
1109 refile. Failure to file an adequate amended request within the  
1110 time specified shall result in a dismissal with prejudice as to  
1111 this proceeding.

1112 (9) By requesting relief under this section, the owner  
1113 consents to grant the special magistrate ~~master~~ and the parties  
1114 reasonable access to the real property with advance notice at a  
1115 time and in a manner acceptable to the owner of the real  
1116 property.

1117 (10)(a) Before initiating a special magistrate ~~master~~  
1118 proceeding to review a local development order or local

340119

Amendment No. (for drafter's use only)

1119 enforcement action, the owner must exhaust all nonjudicial local  
1120 government administrative appeals if the appeals take no longer  
1121 than 4 months. Once nonjudicial local administrative appeals  
1122 are exhausted and the development order or enforcement action is  
1123 final, or within 4 months after issuance of the development  
1124 order or notice of the enforcement action if the owner has  
1125 pursued local administrative appeals even if the appeals have  
1126 not been concluded, the owner may initiate a proceeding under  
1127 this section. Initiation of a proceeding tolls the time for  
1128 seeking judicial review of a local government development order  
1129 or enforcement action until the special magistrate's ~~master's~~  
1130 recommendation is acted upon by the local government. Election  
1131 by the owner to file for judicial review of a local government  
1132 development order or enforcement action prior to initiating a  
1133 proceeding under this section waives any right to a special  
1134 magistrate ~~master~~ proceeding.

1135 (b) If an owner requests ~~special-master~~ relief under this  
1136 section from a development order or enforcement action issued by  
1137 a state or regional agency, the time for challenging agency  
1138 action under ss. 120.569 and 120.57 is tolled. If an owner  
1139 chooses to bring a proceeding under ss. 120.569 and 120.57  
1140 before initiating a ~~special-master~~ proceeding under this  
1141 section, then the owner waives any right to a special magistrate  
1142 ~~master~~ proceeding unless all parties consent to proceeding to  
1143 mediation.

1144 (11) The initial party to the proceeding is the  
1145 governmental entity that issues the development order to the  
1146 owner or that is taking the enforcement action. In those  
1147 instances when the development order or enforcement action is



Amendment No. (for drafter's use only)

1148 the culmination of a process involving more than one  
1149 governmental entity or when a complete resolution of all  
1150 relevant issues would require the active participation of more  
1151 than one governmental entity, the special magistrate ~~master~~ may,  
1152 upon application of a party, join those governmental entities as  
1153 parties to the proceeding if it will assist in effecting the  
1154 purposes of this section, and those governmental entities so  
1155 joined shall actively participate in the procedure.

1156 (12) Within 21 days after receipt of the request for  
1157 relief, any owner of land contiguous to the owner's property and  
1158 any substantially affected person who submitted oral or written  
1159 testimony, sworn or unsworn, of a substantive nature which  
1160 stated with particularity objections to or support for the  
1161 development order or enforcement action at issue may request to  
1162 participate in the proceeding. Those persons may be permitted  
1163 to participate in the hearing but shall not be granted party or  
1164 intervenor status. The participation of such persons is limited  
1165 to addressing issues raised regarding alternatives, variances,  
1166 and other types of adjustment to the development order or  
1167 enforcement action which may impact their substantial interests,  
1168 including denial of the development order or application of an  
1169 enforcement action.

1170 (13) Each party must make efforts to assure that those  
1171 persons qualified by training or experience necessary to address  
1172 issues raised by the request or by the special magistrate ~~master~~  
1173 and further qualified to address alternatives, variances, and  
1174 other types of modifications to the development order or  
1175 enforcement action are present at the hearing.

Amendment No. (for drafter's use only)

1176 (14) The special magistrate ~~master~~ may subpoena any  
1177 nonparty witnesses in the state whom the special magistrate  
1178 ~~master~~ believes will aid in the disposition of the matter.

1179 (15)(a) The special magistrate ~~master~~ shall hold a hearing  
1180 within 45 days after his or her receipt of the request for  
1181 relief unless a different date is agreed to by all the parties.  
1182 The hearing must be held in the county in which the property is  
1183 located.

1184 (b) The special magistrate ~~master~~ must provide notice of  
1185 the place, date, and time of the hearing to all parties and any  
1186 other persons who have requested such notice at least 40 days  
1187 prior to the hearing.

1188 (16)(a) Fifteen days following the filing of a request for  
1189 relief, the governmental entity that issued the development  
1190 order or that is taking the enforcement action shall file a  
1191 response to the request for relief with the special magistrate  
1192 ~~master~~ together with a copy to the owner. The response must set  
1193 forth in reasonable detail the position of the governmental  
1194 entity regarding the matters alleged by the owner. The response  
1195 must include a brief statement explaining the public purpose of  
1196 the regulations on which the development order or enforcement  
1197 action is based.

1198 (b) Any governmental entity that is added by the special  
1199 magistrate ~~master~~ as a party must file a response to the request  
1200 for relief prior to the hearing but not later than 15 days  
1201 following its admission.

1202 (c) Any party may incorporate in the response to the  
1203 request for relief a request to be dropped from the proceeding.  
1204 The request to be dropped must set forth facts and circumstances

340119

Amendment No. (for drafter's use only)

1205 relevant to aid the special magistrate ~~master~~ in ruling on the  
1206 request. All requests to be dropped must be disposed of prior  
1207 to conducting any hearings on the merits of the request for  
1208 relief.

1209 (17) In all respects, the hearing must be informal and  
1210 open to the public and does not require the use of an attorney.  
1211 The hearing must operate at the direction and under the  
1212 supervision of the special magistrate ~~master~~. The object of the  
1213 hearing is to focus attention on the impact of the governmental  
1214 action giving rise to the request for relief and to explore  
1215 alternatives to the development order or enforcement action and  
1216 other regulatory efforts by the governmental entities in order  
1217 to recommend relief, when appropriate, to the owner.

1218 (a) The first responsibility of the special magistrate  
1219 ~~master~~ is to facilitate a resolution of the conflict between the  
1220 owner and governmental entities to the end that some  
1221 modification of the owner's proposed use of the property or  
1222 adjustment in the development order or enforcement action or  
1223 regulatory efforts by one or more of the governmental parties  
1224 may be reached. Accordingly, the special magistrate ~~master~~ shall  
1225 act as a facilitator or mediator between the parties in an  
1226 effort to effect a mutually acceptable solution. The parties  
1227 shall be represented at the mediation by persons with authority  
1228 to bind their respective parties to a solution, or by persons  
1229 with authority to recommend a solution directly to the persons  
1230 with authority to bind their respective parties to a solution.

1231 (b) If an acceptable solution is not reached by the  
1232 parties after the special magistrate's ~~master's~~ attempt at  
1233 mediation, the special magistrate ~~master~~ shall consider the

340119

Amendment No. (for drafter's use only)

1234 facts and circumstances set forth in the request for relief and  
1235 any responses and any other information produced at the hearing  
1236 in order to determine whether the action by the governmental  
1237 entity or entities is unreasonable or unfairly burdens the real  
1238 property.

1239 (c) In conducting the hearing, the special magistrate  
1240 ~~master~~ may hear from all parties and witnesses that are  
1241 necessary to an understanding of the matter. The special  
1242 magistrate ~~master~~ shall weigh all information offered at the  
1243 hearing.

1244 (18) The circumstances to be examined in determining  
1245 whether the development order or enforcement action, or the  
1246 development order or enforcement action in conjunction with  
1247 regulatory efforts of other governmental parties, is  
1248 unreasonable or unfairly burdens use of the property may  
1249 include, but are not limited to:

1250 (a) The history of the real property, including when it  
1251 was purchased, how much was purchased, where it is located, the  
1252 nature of the title, the composition of the property, and how it  
1253 was initially used.

1254 (b) The history or development and use of the real  
1255 property, including what was developed on the property and by  
1256 whom, if it was subdivided and how and to whom it was sold,  
1257 whether plats were filed or recorded, and whether infrastructure  
1258 and other public services or improvements may have been  
1259 dedicated to the public.

1260 (c) The history of environmental protection and land use  
1261 controls and other regulations, including how and when the land

Amendment No. (for drafter's use only)

1262 was classified, how use was proscribed, and what changes in  
1263 classifications occurred.

1264 (d) The present nature and extent of the real property,  
1265 including its natural and altered characteristics.

1266 (e) The reasonable expectations of the owner at the time  
1267 of acquisition, or immediately prior to the implementation of  
1268 the regulation at issue, whichever is later, under the  
1269 regulations then in effect and under common law.

1270 (f) The public purpose sought to be achieved by the  
1271 development order or enforcement action, including the nature  
1272 and magnitude of the problem addressed by the underlying  
1273 regulations on which the development order or enforcement action  
1274 is based; whether the development order or enforcement action is  
1275 necessary to the achievement of the public purpose; and whether  
1276 there are alternative development orders or enforcement action  
1277 conditions that would achieve the public purpose and allow for  
1278 reduced restrictions on the use of the property.

1279 (g) Uses authorized for and restrictions placed on similar  
1280 property.

1281 (h) Any other information determined relevant by the  
1282 special magistrate ~~master~~.

1283 (19) Within 14 days after the conclusion of the hearing,  
1284 the special magistrate ~~master~~ shall prepare and file with all  
1285 parties a written recommendation.

1286 (a) If the special magistrate ~~master~~ finds that the  
1287 development order at issue, or the development order or  
1288 enforcement action in combination with the actions or  
1289 regulations of other governmental entities, is not unreasonable  
1290 or does not unfairly burden the use of the owner's property, the

340119

Amendment No. (for drafter's use only)

1291 special magistrate ~~master~~ must recommend that the development  
1292 order or enforcement action remain undisturbed and the  
1293 proceeding shall end, subject to the owner's retention of all  
1294 other available remedies.

1295 (b) If the special magistrate ~~master~~ finds that the  
1296 development order or enforcement action, or the development  
1297 order or enforcement action in combination with the actions or  
1298 regulations of other governmental entities, is unreasonable or  
1299 unfairly burdens use of the owner's property, the special  
1300 magistrate ~~master~~, with the owner's consent to proceed, may  
1301 recommend one or more alternatives that protect the public  
1302 interest served by the development order or enforcement action  
1303 and regulations at issue but allow for reduced restraints on the  
1304 use of the owner's real property, including, but not limited to:

1305 1. An adjustment of land development or permit standards  
1306 or other provisions controlling the development or use of land.

1307 2. Increases or modifications in the density, intensity,  
1308 or use of areas of development.

1309 3. The transfer of development rights.

1310 4. Land swaps or exchanges.

1311 5. Mitigation, including payments in lieu of onsite  
1312 mitigation.

1313 6. Location on the least sensitive portion of the  
1314 property.

1315 7. Conditioning the amount of development or use  
1316 permitted.

1317 8. A requirement that issues be addressed on a more  
1318 comprehensive basis than a single proposed use or development.

Amendment No. (for drafter's use only)

1319 9. Issuance of the development order, a variance, special  
1320 exception, or other extraordinary relief, including withdrawal  
1321 of the enforcement action.

1322 10. Purchase of the real property, or an interest therein,  
1323 by an appropriate governmental entity.

1324 (c) This subsection does not prohibit the owner and  
1325 governmental entity from entering in to an agreement as to the  
1326 permissible use of the property prior to the special magistrate  
1327 ~~master~~ entering a recommendation. An agreement for a  
1328 permissible use must be incorporated in the special magistrate's  
1329 ~~master's~~ recommendation.

1330 (20) The special magistrate's ~~master's~~ recommendation is a  
1331 public record under chapter 119. However, actions or statements  
1332 of all participants to the special magistrate ~~master~~ proceeding  
1333 are evidence of an offer to compromise and inadmissible in any  
1334 proceeding, judicial or administrative.

1335 (21) Within 45 days after receipt of the special  
1336 magistrate's ~~master's~~ recommendation, the governmental entity  
1337 responsible for the development order or enforcement action and  
1338 other governmental entities participating in the proceeding must  
1339 consult among themselves and each governmental entity must:

1340 (a) Accept the recommendation of the special magistrate  
1341 ~~master~~ as submitted and proceed to implement it by development  
1342 agreement, when appropriate, or by other method, in the ordinary  
1343 course and consistent with the rules and procedures of that  
1344 governmental entity. However, the decision of the governmental  
1345 entity to accept the recommendation of the special magistrate  
1346 ~~master~~ with respect to granting a modification, variance, or  
1347 special exception to the application of statutes, rules,

340119

Amendment No. (for drafter's use only)

1348 regulations, or ordinances as they would otherwise apply to the  
1349 subject property does not require an owner to duplicate previous  
1350 processes in which the owner has participated in order to  
1351 effectuate the granting of the modification, variance, or  
1352 special exception;

1353 (b) Modify the recommendation as submitted by the special  
1354 magistrate ~~master~~ and proceed to implement it by development  
1355 agreement, when appropriate, or by other method, in the ordinary  
1356 course and consistent with the rules and procedures of that  
1357 governmental entity; or

1358 (c) Reject the recommendation as submitted by the special  
1359 magistrate ~~master~~. Failure to act within 45 days is a rejection  
1360 unless the period is extended by agreement of the owner and  
1361 issuer of the development order or enforcement action.

1362 (22) If a governmental entity accepts the special  
1363 magistrate's ~~master's~~ recommendation or modifies it and the  
1364 owner rejects the acceptance or modification, or if a  
1365 governmental entity rejects the special magistrate's ~~master's~~  
1366 recommendation, the governmental entity must issue a written  
1367 decision within 30 days that describes as specifically as  
1368 possible the use or uses available to the subject real property.

1369 (23) The procedure established by this section may not  
1370 continue longer than 165 days, unless the period is extended by  
1371 agreement of the parties. A decision describing available uses  
1372 constitutes the last prerequisite to judicial action and the  
1373 matter is ripe or final for subsequent judicial proceedings  
1374 unless the owner initiates a proceeding under ss. 120.569 and  
1375 120.57. If the owner brings a proceeding under ss. 120.569 and



Amendment No. (for drafter's use only)

1376 120.57, the matter is ripe when the proceeding culminates in a  
1377 final order whether further appeal is available or not.

1378 (24) The procedure created by this section is not itself,  
1379 nor does it create, a judicial cause of action. Once the  
1380 governmental entity acts on the special magistrate's ~~master's~~  
1381 recommendation, the owner may elect to file suit in a court of  
1382 competent jurisdiction. Invoking the procedures of this section  
1383 is not a condition precedent to filing a civil action.

1384 (25) Regardless of the action the governmental entity  
1385 takes on the special magistrate's ~~master's~~ recommendation, a  
1386 recommendation that the development order or enforcement action,  
1387 or the development order or enforcement action in combination  
1388 with other governmental regulatory actions, is unreasonable or  
1389 unfairly burdens use of the owner's real property may serve as  
1390 an indication of sufficient hardship to support modification,  
1391 variances, or special exceptions to the application of statutes,  
1392 rules, regulations, or ordinances to the subject property.

1393 (26) A special magistrate's ~~master's~~ recommendation under  
1394 this section constitutes data in support of, and a support  
1395 document for, a comprehensive plan or comprehensive plan  
1396 amendment, but is not, in and of itself, dispositive of a  
1397 determination of compliance with chapter 163. Any comprehensive  
1398 plan amendment necessary to carry out the approved  
1399 recommendation of a special magistrate ~~master~~ under this section  
1400 is exempt from the twice-a-year limit on plan amendments and may  
1401 be adopted by the local government amendments in s.  
1402 163.3184(16)(d).

1403 (27) The special magistrate ~~master~~ shall send a copy of  
1404 the recommendation in each case to the Department of Legal

340119

Amendment No. (for drafter's use only)

1405 Affairs. Each governmental entity, within 15 days after its  
1406 action on the special magistrate's ~~master's~~ recommendation,  
1407 shall notify the Department of Legal Affairs in writing as to  
1408 what action the governmental entity took on the special  
1409 magistrate's ~~master's~~ recommendation.

1410 (28) Each governmental entity may establish procedural  
1411 guidelines to govern the conduct of proceedings authorized by  
1412 this section, which must include, but are not limited to,  
1413 payment of special magistrate ~~master~~ fees and expenses,  
1414 including the costs of providing notice and effecting service of  
1415 the request for relief under this section, which shall be borne  
1416 equally by the governmental entities and the owner.

1417 (29) This section shall be liberally construed to effect  
1418 fully its obvious purposes and intent, and governmental entities  
1419 shall direct all available resources and authorities to effect  
1420 fully the obvious purposes and intent of this section in  
1421 resolving disputes. Governmental entities are encouraged to  
1422 expedite notice and time-related provisions to implement  
1423 resolution of disputes under this section. The procedure  
1424 established by this section may be used to resolve disputes in  
1425 pending judicial proceedings, with the agreement of the parties  
1426 to the judicial proceedings, and subject to the approval of the  
1427 court in which the judicial proceedings are pending. The  
1428 provisions of this section are cumulative, and do not supplant  
1429 other methods agreed to by the parties and lawfully available  
1430 for arbitration, mediation, or other forms of alternative  
1431 dispute resolution.

Amendment No. (for drafter's use only)

1432 (30) This section applies only to development orders  
1433 issued, modified, or amended, or to enforcement actions issued,  
1434 on or after October 1, 1995.

1435 Section 59. Subsection (1) of section 92.142, Florida  
1436 Statutes, is amended to read:

1437 92.142 Witnesses; pay.--

1438 (1) Witnesses in all cases, civil and criminal, in all  
1439 courts, now or hereafter created, and witnesses summoned before  
1440 any arbitrator or general or special magistrate appointed by the  
1441 court ~~master in chancery~~ shall receive for each day's actual  
1442 attendance \$5 and also 6 cents per mile for actual distance  
1443 traveled to and from the courts. A witness in a criminal case  
1444 required to appear in a county other than the county of his or  
1445 her residence and residing more than 50 miles from the location  
1446 of the trial shall be entitled to per diem and travel expenses  
1447 at the same rate provided for state employees under s. 112.061,  
1448 in lieu of any other witness fee at the discretion of the court.

1449 Section 60. Section 112.41, Florida Statutes, is amended  
1450 to read:

1451 112.41 Contents of order of suspension; Senate select  
1452 committee; special magistrate ~~examiner~~.--

1453 (1) The order of the Governor, in suspending any officer  
1454 pursuant to the provisions of s. 7, Art. IV of the State  
1455 Constitution, shall specify facts sufficient to advise both the  
1456 officer and the Senate as to the charges made or the basis of  
1457 the suspension.

1458 (2) The Senate shall conduct a hearing in the manner  
1459 prescribed by rules of the Senate adopted for this purpose.

Amendment No. (for drafter's use only)

1460 (3) The Senate may provide for a select committee to be  
1461 appointed by the Senate in accordance with its rules for the  
1462 purpose of hearing the evidence and making its recommendation to  
1463 the Senate as to the removal or reinstatement of the suspended  
1464 officer.

1465 (4) The Senate may, in lieu of the use of a select  
1466 committee, appoint a ~~special examiner or a special~~ magistrate  
1467 ~~master~~ to receive the evidence and make recommendations to the  
1468 Senate.

1469 Section 61. Section 112.43, Florida Statutes, is amended  
1470 to read:

1471 112.43 Prosecution of suspension before Senate.--All  
1472 suspensions heard by the Senate, a select committee, or special  
1473 magistrate ~~master, or examiner~~ in accordance with rules of the  
1474 Senate shall be prosecuted by the Governor, the Governor's legal  
1475 staff, or an attorney designated by the Governor. Should the  
1476 Senate, or the select committee appointed by the Senate to hear  
1477 the evidence and to make recommendations, desire private  
1478 counsel, either the Senate or the select committee shall be  
1479 entitled to employ its own counsel for this purpose. Nothing  
1480 herein shall prevent the Senate or its select committee from  
1481 making its own investigation and presenting such evidence as its  
1482 investigation may reveal. The Governor may request the advice  
1483 of the Department of Legal Affairs relative to the suspension  
1484 order prior to its issuance by the Governor. Following the  
1485 issuance of the suspension order, either the Senate or the  
1486 select committee may request the Department of Legal Affairs to  
1487 provide counsel for the Senate to advise on questions of law or  
1488 otherwise advise with the Senate or the select committee, but

340119

Amendment No. (for drafter's use only)

1489 the Department of Legal Affairs shall not be required to  
1490 prosecute before the Senate or the committee and shall, pursuant  
1491 to the terms of this section, act as the legal adviser only.

1492 Section 62. Section 112.47, Florida Statutes, is amended  
1493 to read:

1494 112.47 Hearing before Senate select committee;  
1495 notice.--The Senate shall afford each suspended official a  
1496 hearing before a select committee or special magistrate, ~~master,~~  
1497 ~~or examiner,~~ and shall notify such suspended official of the  
1498 time and place of the hearing sufficiently in advance thereof to  
1499 afford such official an opportunity fully and adequately to  
1500 prepare such defenses as the official may be advised are  
1501 necessary and proper, and all such defenses may be presented by  
1502 the official or by the official's attorney. In the furtherance  
1503 of this provision the Senate shall adopt sufficient procedural  
1504 rules to afford due process both to the Governor in the  
1505 presentation of his or her evidence and to the suspended  
1506 official, but in the absence of such adoption, this section  
1507 shall afford a full and complete hearing, public in nature, as  
1508 required by the State Constitution. However, nothing in this  
1509 part shall prevent either the select committee or the Senate  
1510 from conducting portions of the hearing in executive session if  
1511 the Senate rules so provide.

1512 Section 63. Subsection (2) of section 162.03, Florida  
1513 Statutes, is amended to read:

1514 162.03 Applicability.--

1515 (2) A charter county, a noncharter county, or a  
1516 municipality may, by ordinance, adopt an alternate code  
1517 enforcement system that ~~which~~ gives code enforcement boards or

Amendment No. (for drafter's use only)

1518 special magistrates ~~masters~~ designated by the local governing  
1519 body, or both, the authority to hold hearings and assess fines  
1520 against violators of the respective county or municipal codes  
1521 and ordinances. A special magistrate ~~master~~ shall have the same  
1522 status as an enforcement board under this chapter. References in  
1523 this chapter to an enforcement board, except in s. 162.05, shall  
1524 include a special magistrate ~~master~~ if the context permits.

1525 Section 64. Subsection (5) of section 162.06, Florida  
1526 Statutes, is amended to read:

1527 162.06 Enforcement procedure.--

1528 (5) If the owner of property that ~~which~~ is subject to an  
1529 enforcement proceeding before an enforcement board, special  
1530 magistrate ~~master~~, or court transfers ownership of such property  
1531 between the time the initial pleading was served and the time of  
1532 the hearing, such owner shall:

1533 (a) Disclose, in writing, the existence and the nature of  
1534 the proceeding to the prospective transferee.

1535 (b) Deliver to the prospective transferee a copy of the  
1536 pleadings, notices, and other materials relating to the code  
1537 enforcement proceeding received by the transferor.

1538 (c) Disclose, in writing, to the prospective transferee  
1539 that the new owner will be responsible for compliance with the  
1540 applicable code and with orders issued in the code enforcement  
1541 proceeding.

1542 (d) File a notice with the code enforcement official of  
1543 the transfer of the property, with the identity and address of  
1544 the new owner and copies of the disclosures made to the new  
1545 owner, within 5 days after the date of the transfer.

1546

340119

Amendment No. (for drafter's use only)

1547  
1548 A failure to make the disclosures described in paragraphs (a),  
1549 (b), and (c) before the transfer creates a rebuttable  
1550 presumption of fraud. If the property is transferred before the  
1551 hearing, the proceeding shall not be dismissed, but the new  
1552 owner shall be provided a reasonable period of time to correct  
1553 the violation before the hearing is held.

1554 Section 65. Paragraph (d) of subsection (2) of section  
1555 162.09, Florida Statutes, is amended to read:

1556 162.09 Administrative fines; costs of repair; liens.--  
1557 (2)

1558 (d) A county or a municipality having a population equal  
1559 to or greater than 50,000 may adopt, by a vote of at least a  
1560 majority plus one of the entire governing body of the county or  
1561 municipality, an ordinance that gives code enforcement boards or  
1562 special magistrates ~~masters~~, or both, authority to impose fines  
1563 in excess of the limits set forth in paragraph(a). Such fines  
1564 shall not exceed \$1,000 per day per violation for a first  
1565 violation, \$5,000 per day per violation for a repeat violation,  
1566 and up to \$15,000 per violation if the code enforcement board or  
1567 special magistrate ~~master~~ finds the violation to be irreparable  
1568 or irreversible in nature. In addition to such fines, a code  
1569 enforcement board or special magistrate ~~master~~ may impose  
1570 additional fines to cover all costs incurred by the local  
1571 government in enforcing its codes and all costs of repairs  
1572 pursuant to subsection (1). Any ordinance imposing such fines  
1573 shall include criteria to be considered by the code enforcement  
1574 board or special magistrate ~~master~~ in determining the amount of

Amendment No. (for drafter's use only)

1575 the fines, including, but not limited to, those factors set  
1576 forth in paragraph (b).

1577 Section 66. Section 173.09, Florida Statutes, is amended  
1578 to read:

1579 173.09 Judgment for complainant; special magistrate's  
1580 ~~master's~~ sale; complainant may purchase and later sell.--

1581 (1) Any such decree shall direct the special magistrate  
1582 ~~master~~ thereby appointed to sell the several parcels of land  
1583 separately to the highest and best bidder for cash (or, at the  
1584 option of complainant, to the extent of special assessments  
1585 included in such judgment, for bonds or interest coupons issued  
1586 by complainant), at public outcry at the courthouse door of the  
1587 county in which such suit is pending, or at such point or place  
1588 in the complainant municipality as the court in such final  
1589 decree may direct, after having advertised such sale (which  
1590 advertisement may include all lands so ordered sold) once each  
1591 week for 2 consecutive weeks in some newspaper published in the  
1592 municipality ~~city or town~~ in which ~~is~~ the complainant arose or,  
1593 if there is no such newspaper, in a newspaper published in the  
1594 county in which the suit is pending, and if all the lands so  
1595 advertised for sale be not sold on the day specified in such  
1596 advertisement, such sale shall be continued from day to day  
1597 until the sale of all such land is completed.

1598 (2) Such sales shall be subject to confirmation by the  
1599 court, and the ~~said~~ special magistrate ~~master~~ shall, upon  
1600 confirmation of the sale or sales, deliver to the purchaser or  
1601 purchasers at said sale a deed of conveyance of the property so  
1602 sold; provided, however, that in any case where any lands are  
1603 offered for sale by the special magistrate ~~master~~ and the sum of

340119



Amendment No. (for drafter's use only)

1604 the tax, tax certificates and special assessments, interest,  
1605 penalty, costs, and attorney's fee is not bid for the same, the  
1606 complainant may bid the whole amount due and the special  
1607 magistrate ~~master~~ shall thereupon convey such parcel or parcels  
1608 of land to the complainant.

1609 (3) The property so bid in by complainant shall become its  
1610 property in fee simple and may be disposed of by it in the  
1611 manner provided by law, except that in the sale or disposition  
1612 of any such lands the municipality ~~city or town~~ may, in its  
1613 discretion, accept in payment or part payment therefor any bonds  
1614 or interest coupons constituting liabilities of the municipality  
1615 ~~said city or town~~.

1616 Section 67. Section 173.10, Florida Statutes, is amended  
1617 to read:

1618 173.10 Judgment for complainant; court may order payment  
1619 of other taxes or sale subject to taxes; special magistrate's  
1620 ~~master's~~ conveyances.--

1621 (1) In the judgment or decree the court may, in its  
1622 discretion, direct the payment of all unpaid state and county  
1623 taxes and also all unpaid municipal ~~city or town~~ taxes and  
1624 special assessments or installments thereof, imposed or falling  
1625 due since the institution of the suit, with the penalties and  
1626 costs, out of the proceeds of such foreclosure sale, or it may  
1627 order and direct such sale or sales to be made subject to such  
1628 state, ~~and~~ county, and municipal ~~city or town~~ taxes and special  
1629 assessments.

1630 (2) Any and all conveyances by the special magistrate  
1631 ~~master~~ shall vest in the purchaser the fee simple title to the  
1632 property so sold, subject only to such liens for state and

340119

Amendment No. (for drafter's use only)

1633 county taxes or taxing districts whose liens are of equal  
1634 dignity, and liens for municipal taxes and special assessments,  
1635 or installments thereof, as are not directed by the decree of  
1636 sale to be paid out of the proceeds of said sale.

1637 Section 68. Section 173.11, Florida Statutes, is amended  
1638 to read:

1639 173.11 Distribution of proceeds of sale.--The proceeds of  
1640 any foreclosure sale authorized by this chapter shall be  
1641 distributed by the special magistrate ~~master~~ conducting the sale  
1642 according to the final decree, and if any surplus remains after  
1643 the payment of the full amount of the decree, costs and  
1644 attorney's fees, and any subsequent tax liens that ~~which~~ may be  
1645 directed by such decree to be paid from the proceeds of sale,  
1646 such surplus shall be deposited with the clerk of the court and  
1647 disbursed under order of the court.

1648 Section 69. Section 173.12, Florida Statutes, is amended  
1649 to read:

1650 173.12 Lands may be redeemed prior to sale.--Any person  
1651 interested in any lands included in the suit may redeem such  
1652 lands at any time prior to the sale thereof by the special  
1653 magistrate ~~master~~ by paying into the registry of the court the  
1654 amount due for delinquent taxes, interest and penalties thereon,  
1655 and such proportionate part of the expense, attorney's fees, and  
1656 costs of suit as may have been fixed by the court in its decree  
1657 of sale, or by written stipulation of complainant, and thereupon  
1658 such lands shall be dismissed from the cause.

1659 Section 70. Subsection (1) of section 194.013, Florida  
1660 Statutes, is amended to read:

1661 194.013 Filing fees for petitions; disposition; waiver.--

340119

Amendment No. (for drafter's use only)

1662 (1) If so required by resolution of the value adjustment  
1663 board, a petition filed pursuant to s. 194.011 shall be  
1664 accompanied by a filing fee to be paid to the clerk of the value  
1665 adjustment board in an amount determined by the board not to  
1666 exceed \$15 for each separate parcel of property, real or  
1667 personal, covered by the petition and subject to appeal.  
1668 However, no such filing fee may be required with respect to an  
1669 appeal from the disapproval of homestead exemption under s.  
1670 196.151 or from the denial of tax deferral under s. 197.253.  
1671 Only a single filing fee shall be charged under this section as  
1672 to any particular parcel of property despite the existence of  
1673 multiple issues and hearings pertaining to such parcel. For  
1674 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a  
1675 single filing fee shall be charged. Such fee shall be calculated  
1676 as the cost of the special magistrate ~~master~~ for the time  
1677 involved in hearing the joint petition and shall not exceed \$5  
1678 per parcel. Said fee is to be proportionately paid by affected  
1679 parcel owners.

1680 Section 71. Paragraph (d) of subsection (1) and  
1681 subsections (2) and (6) of section 194.034, Florida Statutes,  
1682 are amended to read:

1683 194.034 Hearing procedures; rules.--

1684 (1)

1685 (d) Notwithstanding the provisions of this subsection, no  
1686 petitioner may present for consideration, nor may a board or  
1687 special magistrate ~~master~~ accept for consideration, testimony or  
1688 other evidentiary materials that were requested of the  
1689 petitioner in writing by the property appraiser of which the  
1690 petitioner had knowledge and denied to the property appraiser.

340119

Amendment No. (for drafter's use only)

1691 (2) In each case, except when a complaint is withdrawn by  
1692 the petitioner or is acknowledged as correct by the property  
1693 appraiser, the value adjustment board shall render a written  
1694 decision. All such decisions shall be issued within 20 calendar  
1695 days after ~~of~~ the last day the board is in session under s.  
1696 194.032. The decision of the board shall contain findings of  
1697 fact and conclusions of law and shall include reasons for  
1698 upholding or overturning the determination of the property  
1699 appraiser. When a special magistrate ~~master~~ has been appointed,  
1700 the recommendations of the special magistrate ~~master~~ shall be  
1701 considered by the board. The clerk, upon issuance of the  
1702 decisions, shall, on a form provided by the Department of  
1703 Revenue, notify by first-class mail each taxpayer, the property  
1704 appraiser, and the department of the decision of the board.

1705 (6) For purposes of hearing joint petitions filed pursuant  
1706 to s. 194.011(3)(e), each included parcel shall be considered by  
1707 the board as a separate petition. Such separate petitions shall  
1708 be heard consecutively by the board. If a special magistrate  
1709 ~~master~~ is appointed, such separate petitions shall all be  
1710 assigned to the same special magistrate ~~master~~.

1711 Section 72. Section 194.035, Florida Statutes, is amended  
1712 to read:

1713 194.035 Special magistrates ~~masters~~; property  
1714 evaluators.--

1715 (1) In counties having a population of more than 75,000,  
1716 the board shall appoint special magistrates ~~masters~~ for the  
1717 purpose of taking testimony and making recommendations to the  
1718 board, which recommendations the board may act upon without  
1719 further hearing. These ~~Such~~ special magistrates ~~masters~~ may not

340119

Amendment No. (for drafter's use only)

1720 be elected or appointed officials or employees of the county but  
1721 shall be selected from a list of those qualified individuals who  
1722 are willing to serve as special magistrates ~~masters~~. Employees  
1723 and elected or appointed officials of a taxing jurisdiction or  
1724 of the state may not serve as special magistrates ~~masters~~. The  
1725 clerk of the board shall annually notify such individuals or  
1726 their professional associations to make known to them that  
1727 opportunities to serve as special magistrates ~~masters~~ exist. The  
1728 Department of Revenue shall provide a list of qualified special  
1729 magistrates ~~masters~~ to any county with a population of 75,000 or  
1730 less. Subject to appropriation, the department shall reimburse  
1731 counties with a population of 75,000 or less for payments made  
1732 to special magistrates ~~masters~~ appointed for the purpose of  
1733 taking testimony and making recommendations to the value  
1734 adjustment board pursuant to this section. The department shall  
1735 establish a reasonable range for payments per case to special  
1736 magistrates ~~masters~~ based on such payments in other counties.  
1737 Requests for reimbursement of payments outside this range shall  
1738 be justified by the county. If the total of all requests for  
1739 reimbursement in any year exceeds the amount available pursuant  
1740 to this section, payments to all counties shall be prorated  
1741 accordingly. A special magistrate ~~master~~ appointed to hear  
1742 issues of exemptions and classifications shall be a member of  
1743 The Florida Bar with no less than 5 years' experience in the  
1744 area of ad valorem taxation. A special magistrate ~~master~~  
1745 appointed to hear issues regarding the valuation of real estate  
1746 shall be a state certified real estate appraiser with not less  
1747 than 5 years' experience in real property valuation. A special  
1748 magistrate ~~master~~ appointed to hear issues regarding the

340119

Amendment No. (for drafter's use only)

1749 valuation of tangible personal property shall be a designated  
1750 member of a nationally recognized appraiser's organization with  
1751 not less than 5 years' experience in tangible personal property  
1752 valuation. A special magistrate ~~master~~ need not be a resident of  
1753 the county in which he or she serves. A ~~No~~ special magistrate  
1754 may not ~~master shall be permitted to~~ represent a person before  
1755 the board in any tax year during which he or she has served that  
1756 board as a special magistrate ~~master~~. The board shall appoint  
1757 special magistrates ~~such masters~~ from the list so compiled prior  
1758 to convening of the board. The expense of hearings before  
1759 special magistrates ~~masters~~ and any compensation of special  
1760 magistrates ~~masters~~ shall be borne three-fifths by the board of  
1761 county commissioners and two-fifths by the school board.

1762 (2) The value adjustment board of each county may employ  
1763 qualified property appraisers or evaluators to appear before the  
1764 value adjustment board at that meeting of the board which is  
1765 held for the purpose of hearing complaints. Such property  
1766 appraisers or evaluators shall present testimony as to the just  
1767 value of any property the value of which is contested before the  
1768 board and shall submit to examination by the board, the  
1769 taxpayer, and the property appraiser.

1770 Section 73. Section 206.16, Florida Statutes, is amended  
1771 to read:

1772 206.16 Officer selling property.--

1773 (1) No sheriff, receiver, assignee, general or special  
1774 magistrate ~~master~~, or other officer shall sell the property or  
1775 franchise of any person for failure to pay fuel taxes,  
1776 penalties, or interest without first filing with the department  
1777 a statement containing the following information:

340119

Amendment No. (for drafter's use only)

1778 (a) The name of the plaintiff or party at whose instance  
1779 or upon whose account the sale is made;

1780 (b) The name of the person whose property or franchise is  
1781 to be sold;

1782 (c) The time and place of sale; and

1783 (d) The nature of the property and the location of the  
1784 same.

1785 (2) The department, after receiving notice as aforesaid,  
1786 shall furnish to the sheriff, receiver, trustee, assignee,  
1787 general or special magistrate ~~master~~, or other officer having  
1788 charge of the sale a certified copy or copies of all fuel taxes,  
1789 penalties, and interest on file in the office of the department  
1790 as liens against such person, and, in the event there are no  
1791 such liens, a certificate showing that fact, which certified  
1792 copies or copy of certificate shall be publicly read by such  
1793 officer at and immediately before the sale of the property or  
1794 franchise of such person.

1795 Section 74. Section 207.016, Florida Statutes, is amended  
1796 to read:

1797 207.016 Officer's sale of property or franchise.--

1798 (1) No sheriff, receiver, assignee, general or special  
1799 magistrate ~~master~~, or other officer shall sell the property or  
1800 franchise of any person for failure to pay taxes, penalties, or  
1801 interest without first filing with the department a statement  
1802 containing the following information:

1803 (a) The name of the plaintiff or party at whose instance  
1804 or upon whose account the sale is made.

1805 (b) The name of the person whose property or franchise is  
1806 to be sold.

340119

Amendment No. (for drafter's use only)

1807 (c) The time and place of sale.

1808 (d) The nature of the property and the location of the  
1809 same.

1810 (2) The department, after receiving notice as provided in  
1811 subsection (1), shall furnish to the sheriff, receiver, trustee,  
1812 assignee, general or special magistrate ~~master~~, or other officer  
1813 having charge of the sale a certified copy or copies of all  
1814 taxes, penalties, and interest on file in the office of the  
1815 department as liens against such person and, in the event there  
1816 are no such liens, a certificate showing that fact, which  
1817 certified copy or copies of certificate shall be publicly read  
1818 by such officer at and immediately before the sale of the  
1819 property or franchise of such person.

1820 Section 75. Section 320.411, Florida Statutes, is amended  
1821 to read:

1822 320.411 Officer's sale of property or franchise.--

1823 (1) No sheriff, receiver, assignee, general or special  
1824 magistrate ~~master~~, or other officer shall sell the property or  
1825 franchise of any motor carrier for failure to pay taxes,  
1826 penalties, or interest without first filing with the department  
1827 a statement containing the following information:

1828 (a) The name of the plaintiff or party at whose instance  
1829 or upon whose account the sale is made.

1830 (b) The name of the motor carrier whose property or  
1831 franchise is to be sold.

1832 (c) The time and place of sale.

1833 (d) The nature of the property and the location of the  
1834 same.

340119



Amendment No. (for drafter's use only)

1835 (2) The department, after receiving notice as provided in  
1836 subsection (1), shall furnish to the sheriff, receiver, trustee,  
1837 assignee, general or special magistrate ~~master~~, or other officer  
1838 having charge of the sale a certified copy of all taxes,  
1839 penalties, and interest on file in the office of the department  
1840 as liens against such motor carrier and, in the event there are  
1841 no such liens, a certificate showing that fact, which certified  
1842 copy or copies of certificate shall be publicly read by such  
1843 officer at and immediately before the sale of the property or  
1844 franchise of such motor carrier.

1845 Section 76. Subsection (7) of section 393.11, Florida  
1846 Statutes, is amended to read:

1847 393.11 Involuntary admission to residential services.--

1848 (7) HEARING.--

1849 (a) The hearing for involuntary admission shall be  
1850 conducted, and the order shall be entered, in the county in  
1851 which the person is residing or be as convenient to the person  
1852 as may be consistent with orderly procedure. The hearing shall  
1853 be conducted in a physical setting not likely to be injurious to  
1854 the person's condition.

1855 (b) A hearing on the petition shall be held as soon as  
1856 practicable after the petition is filed, but reasonable delay  
1857 for the purpose of investigation, discovery, or procuring  
1858 counsel or witnesses shall be granted.

1859 (c) The court may appoint a general or special magistrate  
1860 ~~master~~ to preside. Except as otherwise specified, the  
1861 magistrate's ~~master's~~ proceeding shall be governed by Rule  
1862 1.490, Florida Rules of Civil Procedure.

Amendment No. (for drafter's use only)

1863 (d) The person with mental retardation shall be physically  
1864 present throughout the entire proceeding. If the person's  
1865 attorney believes that the person's presence at the hearing is  
1866 not in the person's best interest, the person's presence may be  
1867 waived once the court has seen the person and the hearing has  
1868 commenced.

1869 (e) The person shall have the right to present evidence  
1870 and to cross-examine all witnesses and other evidence alleging  
1871 the appropriateness of the person's admission to residential  
1872 care. Other relevant and material evidence regarding the  
1873 appropriateness of the person's admission to residential  
1874 services; the most appropriate, least restrictive residential  
1875 placement; and the appropriate care, treatment, and habilitation  
1876 of the person, including written or oral reports, may be  
1877 introduced at the hearing by any interested person.

1878 (f) The petitioning commission may be represented by  
1879 counsel at the hearing. The petitioning commission shall have  
1880 the right to call witnesses, present evidence, cross-examine  
1881 witnesses, and present argument on behalf of the petitioning  
1882 commission.

1883 (g) All evidence shall be presented according to chapter  
1884 90. The burden of proof shall be on the party alleging the  
1885 appropriateness of the person's admission to residential  
1886 services. The burden of proof shall be by clear and convincing  
1887 evidence.

1888 (h) All stages of each proceeding shall be  
1889 stenographically reported.

1890 Section 77. Subsections (6) and (7) of section 394.467,  
1891 Florida Statutes, are amended to read:

340119

Amendment No. (for drafter's use only)

1892 394.467 Involuntary placement.--

1893 (6) HEARING ON INVOLUNTARY PLACEMENT.--

1894 (a)1. The court shall hold the hearing on involuntary  
1895 placement within 5 days, unless a continuance is granted. The  
1896 hearing shall be held in the county where the patient is located  
1897 and shall be as convenient to the patient as may be consistent  
1898 with orderly procedure and shall be conducted in physical  
1899 settings not likely to be injurious to the patient's condition.  
1900 If the court finds that the patient's attendance at the hearing  
1901 is not consistent with the best interests of the patient, and  
1902 the patient's counsel does not object, the court may waive the  
1903 presence of the patient from all or any portion of the hearing.  
1904 The state attorney for the circuit in which the patient is  
1905 located shall represent the state, rather than the petitioning  
1906 facility administrator, as the real party in interest in the  
1907 proceeding.

1908 2. The court may appoint a general or special magistrate  
1909 ~~master~~ to preside at the hearing. One of the professionals who  
1910 executed the involuntary placement certificate shall be a  
1911 witness. The patient and the patient's guardian or  
1912 representative shall be informed by the court of the right to an  
1913 independent expert examination. If the patient cannot afford  
1914 such an examination, the court shall provide for one. The  
1915 independent expert's report shall be confidential and not  
1916 discoverable, unless the expert is to be called as a witness for  
1917 the patient at the hearing. The testimony in the hearing must be  
1918 given under oath, and the proceedings must be recorded. The  
1919 patient may refuse to testify at the hearing.

340119

Amendment No. (for drafter's use only)

1920 (b) If the court concludes that the patient meets the  
1921 criteria for involuntary placement, it shall order that the  
1922 patient be transferred to a treatment facility or, if the  
1923 patient is at a treatment facility, that the patient be retained  
1924 there or be treated at any other appropriate receiving or  
1925 treatment facility, or that the patient receive services from a  
1926 receiving or treatment facility, on an involuntary basis, for a  
1927 period of up to 6 months. The order shall specify the nature and  
1928 extent of the patient's mental illness. The facility shall  
1929 discharge a patient any time the patient no longer meets the  
1930 criteria for involuntary placement, unless the patient has  
1931 transferred to voluntary status.

1932 (c) If at any time prior to the conclusion of the hearing  
1933 on involuntary placement it appears to the court that the person  
1934 does not meet the criteria for involuntary placement under this  
1935 chapter, but instead meets the criteria for involuntary  
1936 assessment, protective custody, or involuntary admission  
1937 pursuant to s. 397.675, then the court may order the person to  
1938 be admitted for involuntary assessment for a period of 5 days  
1939 pursuant to s. 397.6811. Thereafter, all proceedings shall be  
1940 governed by chapter 397.

1941 (d) At the hearing on involuntary placement, the court  
1942 shall consider testimony and evidence regarding the patient's  
1943 competence to consent to treatment. If the court finds that the  
1944 patient is incompetent to consent to treatment, it shall appoint  
1945 a guardian advocate as provided in s. 394.4598.

1946 (e) The administrator of the receiving facility shall  
1947 provide a copy of the court order and adequate documentation of  
1948 a patient's mental illness to the administrator of a treatment

340119

Amendment No. (for drafter's use only)

1949 facility whenever a patient is ordered for involuntary  
1950 placement, whether by civil or criminal court. Such  
1951 documentation shall include any advance directives made by the  
1952 patient, a psychiatric evaluation of the patient, and any  
1953 evaluations of the patient performed by a clinical psychologist  
1954 or a clinical social worker. The administrator of a treatment  
1955 facility may refuse admission to any patient directed to its  
1956 facilities on an involuntary basis, whether by civil or criminal  
1957 court order, who is not accompanied at the same time by adequate  
1958 orders and documentation.

1959 (7) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.--

1960 (a) Hearings on petitions for continued involuntary  
1961 placement shall be administrative hearings and shall be  
1962 conducted in accordance with the provisions of s. 120.57(1),  
1963 except that any order entered by the administrative law judge  
1964 ~~hearing officer~~ shall be final and subject to judicial review in  
1965 accordance with s. 120.68. Orders concerning patients committed  
1966 after successfully pleading not guilty by reason of insanity  
1967 shall be governed by the provisions of s. 916.15.

1968 (b) If the patient continues to meet the criteria for  
1969 involuntary placement, the administrator shall, prior to the  
1970 expiration of the period during which the treatment facility is  
1971 authorized to retain the patient, file a petition requesting  
1972 authorization for continued involuntary placement. The request  
1973 shall be accompanied by a statement from the patient's physician  
1974 or clinical psychologist justifying the request, a brief  
1975 description of the patient's treatment during the time he or she  
1976 was involuntarily placed, and an individualized plan of  
1977 continued treatment. Notice of the hearing shall be provided as

340119

Amendment No. (for drafter's use only)

1978 set forth in s. 394.4599. If at the hearing the administrative  
1979 law judge hearing officer finds that attendance at the hearing  
1980 is not consistent with the best interests of the patient, the  
1981 administrative law judge hearing officer may waive the presence  
1982 of the patient from all or any portion of the hearing, unless  
1983 the patient, through counsel, objects to the waiver of presence.  
1984 The testimony in the hearing must be under oath, and the  
1985 proceedings must be recorded.

1986 (c) Unless the patient is otherwise represented or is  
1987 ineligible, he or she shall be represented at the hearing on the  
1988 petition for continued involuntary placement by the public  
1989 defender of the circuit in which the facility is located.

1990 (d) If at a hearing it is shown that the patient continues  
1991 to meet the criteria for involuntary placement, the  
1992 administrative law judge shall sign the order for continued  
1993 involuntary placement for a period not to exceed 6 months. The  
1994 same procedure shall be repeated prior to the expiration of each  
1995 additional period the patient is retained.

1996 (e) If continued involuntary placement is necessary for a  
1997 patient admitted while serving a criminal sentence, but whose  
1998 sentence is about to expire, or for a patient involuntarily  
1999 placed while a minor but who is about to reach the age of 18,  
2000 the administrator shall petition the administrative law judge  
2001 for an order authorizing continued involuntary placement.

2002 (f) If the patient has been previously found incompetent  
2003 to consent to treatment, the administrative law judge hearing  
2004 officer shall consider testimony and evidence regarding the  
2005 patient's competence. If the administrative law judge hearing  
2006 officer finds evidence that the patient is now competent to

340119

Amendment No. (for drafter's use only)

2007 consent to treatment, the administrative law judge ~~hearing~~  
2008 ~~officer~~ may issue a recommended order to the court that found  
2009 the patient incompetent to consent to treatment that the  
2010 patient's competence be restored and that any guardian advocate  
2011 previously appointed be discharged.

2012 Section 78. Subsection (7) of section 397.311, Florida  
2013 Statutes, is amended to read:

2014 397.311 Definitions.--As used in this chapter, except part  
2015 VIII:

2016 (7) "Court" means, with respect to all involuntary  
2017 proceedings under this chapter, the circuit court of the county  
2018 in which the judicial proceeding is pending or where the  
2019 substance abuse impaired person resides or is located, and  
2020 includes any general or special magistrate ~~master~~ that may be  
2021 appointed by the chief judge to preside over all or part of such  
2022 proceeding. Otherwise, "court" refers to the court of legal  
2023 jurisdiction in the context in which the term is used in this  
2024 chapter.

2025 Section 79. Subsection (1) of section 397.681, Florida  
2026 Statutes, is amended to read:

2027 397.681 Involuntary petitions; general provisions; court  
2028 jurisdiction and right to counsel.--

2029 (1) JURISDICTION.--The courts have jurisdiction of  
2030 involuntary assessment and stabilization petitions and  
2031 involuntary treatment petitions for substance abuse impaired  
2032 persons, and such petitions must be filed with the clerk of the  
2033 court in the county where the person is located. The chief  
2034 judge may appoint a general or special magistrate ~~master~~ to

Amendment No. (for drafter's use only)

2035 preside over all or part of the proceedings. The alleged  
2036 impaired person is named as the respondent.

2037 Section 80. Subsection (5) of section 447.207, Florida  
2038 Statutes, is amended to read:

2039 447.207 Commission; powers and duties.--

2040 (5) The commission shall adopt rules as to the  
2041 qualifications of persons who may serve as mediators and special  
2042 magistrates ~~masters~~ and shall maintain lists of such qualified  
2043 persons who are not employees of the commission. The commission  
2044 may initiate dispute resolution procedures by special  
2045 magistrates ~~masters~~, pursuant to the provisions of this part.

2046 Section 81. Subsections (2), (3), and (4) of section  
2047 447.403, Florida Statutes, are amended to read:

2048 447.403 Resolution of impasses.--

2049 (2)(a) If no mediator is appointed, or upon the request of  
2050 either party, the commission shall appoint, and submit all  
2051 unresolved issues to, a special magistrate ~~master~~ acceptable to  
2052 both parties. If the parties are unable to agree on the  
2053 appointment of a special magistrate ~~master~~, the commission shall  
2054 appoint, in its discretion, a qualified special magistrate  
2055 ~~master~~. However, if the parties agree in writing to waive the  
2056 appointment of a special magistrate ~~master~~, the parties may  
2057 proceed directly to resolution of the impasse by the legislative  
2058 body pursuant to paragraph (4)(d). Nothing in this section  
2059 precludes the parties from using the services of a mediator at  
2060 any time during the conduct of collective bargaining.

2061 (b) If the Governor is the public employer, no special  
2062 magistrate ~~master~~ shall be appointed. The parties may proceed



Amendment No. (for drafter's use only)

2063 directly to the Legislature for resolution of the impasse  
2064 pursuant to paragraph (4)(d).

2065 (3) The special magistrate ~~master~~ shall hold hearings in  
2066 order to define the area or areas of dispute, to determine facts  
2067 relating to the dispute, and to render a decision on any and all  
2068 unresolved contract issues. The hearings shall be held at  
2069 times, dates, and places to be established by the special  
2070 magistrate ~~master~~ in accordance with rules promulgated by the  
2071 commission. The special magistrate ~~master~~ shall be empowered to  
2072 administer oaths and issue subpoenas on behalf of the parties to  
2073 the dispute or on his or her own behalf. Within 15 calendar  
2074 days after the close of the final hearing, the special  
2075 magistrate ~~master~~ shall transmit his or her recommended decision  
2076 to the commission and to the representatives of both parties by  
2077 registered mail, return receipt requested. Such recommended  
2078 decision shall be discussed by the parties, and each  
2079 recommendation of the special magistrate ~~master~~ shall be deemed  
2080 approved by both parties unless specifically rejected by either  
2081 party by written notice filed with the commission within 20  
2082 calendar days after the date the party received the special  
2083 magistrate's ~~master's~~ recommended decision. The written notice  
2084 shall include a statement of the cause for each rejection and  
2085 shall be served upon the other party.

2086 (4) If the public employer or the employee organization  
2087 does not accept, in whole or in part, the recommended decision  
2088 of the special magistrate ~~master~~:

2089 (a) The chief executive officer of the governmental entity  
2090 involved shall, within 10 days after rejection of a  
2091 recommendation of the special magistrate ~~master~~, submit to the

340119

Amendment No. (for drafter's use only)

2092 legislative body of the governmental entity involved a copy of  
2093 the findings of fact and recommended decision of the special  
2094 magistrate master, together with the chief executive officer's  
2095 recommendations for settling the disputed impasse issues. The  
2096 chief executive officer shall also transmit his or her  
2097 recommendations to the employee organization;

2098 (b) The employee organization shall submit its  
2099 recommendations for settling the disputed impasse issues to such  
2100 legislative body and to the chief executive officer;

2101 (c) The legislative body or a duly authorized committee  
2102 thereof shall forthwith conduct a public hearing at which the  
2103 parties shall be required to explain their positions with  
2104 respect to the rejected recommendations of the special  
2105 magistrate master;

2106 (d) Thereafter, the legislative body shall take such  
2107 action as it deems to be in the public interest, including the  
2108 interest of the public employees involved, to resolve all  
2109 disputed impasse issues; and

2110 (e) Following the resolution of the disputed impasse  
2111 issues by the legislative body, the parties shall reduce to  
2112 writing an agreement which includes those issues agreed to by  
2113 the parties and those disputed impasse issues resolved by the  
2114 legislative body's action taken pursuant to paragraph(d). The  
2115 agreement shall be signed by the chief executive officer and the  
2116 bargaining agent and shall be submitted to the public employer  
2117 and to the public employees who are members of the bargaining  
2118 unit for ratification. If such agreement is not ratified by all  
2119 parties, pursuant to the provisions of s. 447.309, the  
2120 legislative body's action taken pursuant to the provisions of

340119

Amendment No. (for drafter's use only)

2121 paragraph (d) shall take effect as of the date of such  
2122 legislative body's action for the remainder of the first fiscal  
2123 year which was the subject of negotiations; however, the  
2124 legislative body's action shall not take effect with respect to  
2125 those disputed impasse issues which establish the language of  
2126 contractual provisions which could have no effect in the absence  
2127 of a ratified agreement, including, but not limited to,  
2128 preambles, recognition clauses, and duration clauses.

2129 Section 82. Section 447.405, Florida Statutes, is amended  
2130 to read:

2131 447.405 Factors to be considered by the special magistrate  
2132 ~~master~~.--The special magistrate ~~master~~ shall conduct the  
2133 hearings and render recommended decisions with the objective of  
2134 achieving a prompt, peaceful, and just settlement of disputes  
2135 between the public employee organizations and the public  
2136 employers. The factors, among others, to be given weight by the  
2137 special magistrate ~~master~~ in arriving at a recommended decision  
2138 shall include:

2139 (1) Comparison of the annual income of employment of the  
2140 public employees in question with the annual income of  
2141 employment maintained for the same or similar work of employees  
2142 exhibiting like or similar skills under the same or similar  
2143 working conditions in the local operating area involved.

2144 (2) Comparison of the annual income of employment of the  
2145 public employees in question with the annual income of  
2146 employment of public employees in similar public employee  
2147 governmental bodies of comparable size within the state.

2148 (3) The interest and welfare of the public.

Amendment No. (for drafter's use only)

2149 (4) Comparison of peculiarities of employment in regard to  
2150 other trades or professions, specifically with respect to:

- 2151 (a) Hazards of employment.  
2152 (b) Physical qualifications.  
2153 (c) Educational qualifications.  
2154 (d) Intellectual qualifications.  
2155 (e) Job training and skills.  
2156 (f) Retirement plans.  
2157 (g) Sick leave.  
2158 (h) Job security.  
2159 (5) Availability of funds.

2160 Section 83. Section 447.407, Florida Statutes, is amended  
2161 to read:

2162 447.407 Compensation of mediator and special magistrate  
2163 ~~master~~; expenses.--The compensation of the mediator and special  
2164 magistrate ~~master~~, and all stenographic and other expenses,  
2165 shall be borne equally by the parties.

2166 Section 84. Section 447.409, Florida Statutes, is amended  
2167 to read:

2168 447.409 Records.--All records that ~~which~~ are relevant to,  
2169 or have a bearing upon, any issue or issues raised by the  
2170 proceedings conducted by the special magistrate ~~master~~ shall be  
2171 made available to the special magistrate ~~master~~ by a request in  
2172 writing to any of the parties to the impasse proceedings.  
2173 Notice of such request must ~~shall~~ be furnished to all parties.  
2174 Any such records that ~~which~~ are made available to the special  
2175 magistrate ~~master~~ must ~~shall~~ also be made available to any other  
2176 party to the impasse proceedings, upon written request.

Amendment No. (for drafter's use only)

2177 Section 85. Subsections (1), (2), (3), (4), (5), and (6)  
2178 of section 475.011, Florida Statutes, are amended to read:

2179 475.011 Exemptions.--This part does not apply to:

2180 (1) Any person acting as an attorney in fact for the  
2181 purpose of the execution of contracts or conveyances only; as an  
2182 attorney at law within the scope of her or his duties as such;  
2183 as a certified public accountant, as defined in chapter 473,  
2184 within the scope of her or his duties as such; as the personal  
2185 representative, receiver, trustee, or general or special  
2186 magistrate ~~master~~ under, or by virtue of, an appointment by will  
2187 or by order of a court of competent jurisdiction; or as trustee  
2188 under a deed of trust, or under a trust agreement, the ultimate  
2189 purpose and intent whereof is charitable, is philanthropic, or  
2190 provides for those having a natural right to the bounty of the  
2191 donor or trustor.÷

2192 (2) Any individual, corporation, partnership, trust, joint  
2193 venture, or other entity which sells, exchanges, or leases its  
2194 own real property; however, this exemption shall not be  
2195 available if and to the extent that an agent, employee, or  
2196 independent contractor paid a commission or other compensation  
2197 strictly on a transactional basis is employed to make sales,  
2198 exchanges, or leases to or with customers in the ordinary course  
2199 of an owner's business of selling, exchanging, or leasing real  
2200 property to the public.÷

2201 (3) Any employee of a public utility, a rural electric  
2202 cooperative, a railroad, or a state or local governmental agency  
2203 who acts within the scope of her or his employment, for which no  
2204 compensation in addition to the employee's salary is paid, to  
2205 buy, sell, appraise, exchange, rent, auction, or lease any real

340119

Amendment No. (for drafter's use only)

2206 property or any interest in real property for the use of her or  
2207 his employer.†

2208 (4) Any salaried employee of an owner, or of a registered  
2209 broker for an owner, of an apartment community who works in an  
2210 onsite rental office of the apartment community in a leasing  
2211 capacity.†

2212 (5) Any person employed for a salary as a manager of a  
2213 condominium or cooperative apartment complex as a result of any  
2214 activities or duties which the person may have in relation to  
2215 the renting of individual units within such condominium or  
2216 cooperative apartment complex if rentals arranged by the person  
2217 are for periods no greater than 1 year.†

2218 (6) Any person, partnership, corporation, or other legal  
2219 entity which, for another and for compensation or other valuable  
2220 consideration, sells, offers to sell, advertises for sale, buys,  
2221 offers to buy, or negotiates the sale or purchase of radio,  
2222 television, or cable enterprises licensed and regulated by the  
2223 Federal Communications Commission pursuant to the Communications  
2224 Act of 1934. However, if the sale or purchase of the radio,  
2225 television, or cable enterprise involves the sale or lease of  
2226 land, buildings, fixtures, and all other improvements to the  
2227 land, a broker or salesperson licensed under this chapter shall  
2228 be retained for the portion of the transaction which includes  
2229 the land, buildings, fixtures, and all other improvements to the  
2230 land.†~~or~~

2231 Section 86. Paragraphs (d), (f), (g), (h), and (j) of  
2232 subsection (5) of section 489.127, Florida Statutes, are amended  
2233 to read:

2234 489.127 Prohibitions; penalties.--

Amendment No. (for drafter's use only)

2235 (5) Each county or municipality may, at its option,  
2236 designate one or more of its code enforcement officers, as  
2237 defined in chapter 162, to enforce, as set out in this  
2238 subsection, the provisions of subsection (1) and s. 489.132(1)  
2239 against persons who engage in activity for which a county or  
2240 municipal certificate of competency or license or state  
2241 certification or registration is required.

2242 (d) The act for which the citation is issued shall be  
2243 ceased upon receipt of the citation; and the person charged with  
2244 the violation shall elect either to correct the violation and  
2245 pay the civil penalty in the manner indicated on the citation  
2246 or, within 10 days after ~~of~~ receipt of the citation, exclusive  
2247 of weekends and legal holidays, request an administrative  
2248 hearing before the enforcement or licensing board or designated  
2249 special magistrate ~~master~~ to appeal the issuance of the citation  
2250 by the code enforcement officer.

2251 1. Hearings shall be held before an enforcement or  
2252 licensing board or designated special magistrate ~~master~~ as  
2253 established by s. 162.03(2), and such hearings shall be  
2254 conducted pursuant to the requirements of ss. 162.07 and 162.08.

2255 2. Failure of a violator to appeal the decision of the  
2256 code enforcement officer within the time period set forth in  
2257 this paragraph shall constitute a waiver of the violator's right  
2258 to an administrative hearing. A waiver of the right to an  
2259 administrative hearing shall be deemed an admission of the  
2260 violation, and penalties may be imposed accordingly.

2261 3. If the person issued the citation, or his or her  
2262 designated representative, shows that the citation is invalid or  
2263 that the violation has been corrected prior to appearing before

340119

Amendment No. (for drafter's use only)

2264 the enforcement or licensing board or designated special  
2265 magistrate ~~master~~, the enforcement or licensing board or  
2266 designated special magistrate ~~master~~ may dismiss the citation  
2267 unless the violation is irreparable or irreversible.

2268 4. Each day a willful, knowing violation continues shall  
2269 constitute a separate offense under the provisions of this  
2270 subsection.

2271 (f) If the enforcement or licensing board or designated  
2272 special magistrate ~~master~~ finds that a violation exists, the  
2273 enforcement or licensing board or designated special magistrate  
2274 ~~master~~ may order the violator to pay a civil penalty of not less  
2275 than the amount set forth on the citation but not more than  
2276 \$1,000 per day for each violation. In determining the amount of  
2277 the penalty, the enforcement or licensing board or designated  
2278 special magistrate ~~master~~ shall consider the following factors:

- 2279 1. The gravity of the violation.  
2280 2. Any actions taken by the violator to correct the  
2281 violation.  
2282 3. Any previous violations committed by the violator.

2283 (g) Upon written notification by the code enforcement  
2284 officer that a violator had not contested the citation or paid  
2285 the civil penalty within the timeframe allowed on the citation,  
2286 or if a violation has not been corrected within the timeframe  
2287 set forth on the notice of violation, the enforcement or  
2288 licensing board or the designated special magistrate ~~master~~  
2289 shall enter an order ordering the violator to pay the civil  
2290 penalty set forth on the citation or notice of violation, and a  
2291 hearing shall not be necessary for the issuance of such order.



Amendment No. (for drafter's use only)

2292 (h) A certified copy of an order imposing a civil penalty  
2293 against an uncertified contractor may be recorded in the public  
2294 records and thereafter shall constitute a lien against any real  
2295 or personal property owned by the violator. Upon petition to  
2296 the circuit court, such order may be enforced in the same manner  
2297 as a court judgment by the sheriffs of this state, including a  
2298 levy against personal property; however, such order shall not be  
2299 deemed to be a court judgment except for enforcement purposes.  
2300 A civil penalty imposed pursuant to this part shall continue to  
2301 accrue until the violator comes into compliance or until  
2302 judgment is rendered in a suit to foreclose on a lien filed  
2303 pursuant to this subsection, whichever occurs first. After 3  
2304 months following ~~from~~ the filing of any such lien which remains  
2305 unpaid, the enforcement board or licensing board or designated  
2306 special magistrate ~~master~~ may authorize the local governing  
2307 body's attorney to foreclose on the lien. No lien created  
2308 pursuant to the provisions of this part may be foreclosed on  
2309 real property which is a homestead under s. 4, Art. X of the  
2310 State Constitution.

2311 (j) An aggrieved party, including the local governing  
2312 body, may appeal a final administrative order of an enforcement  
2313 board or licensing board or designated special magistrate ~~master~~  
2314 to the circuit court. Such an appeal shall not be a hearing de  
2315 novo but shall be limited to appellate review of the record  
2316 created before the enforcement board or licensing board or  
2317 designated special magistrate ~~master~~. An appeal shall be filed  
2318 within 30 days after ~~of the~~ execution of the order to be  
2319 appealed.

340119

Amendment No. (for drafter's use only)

2320 Section 87. Paragraphs (d), (f), (g), (h), and (j) of  
2321 subsection (4) of section 489.531, Florida Statutes, are amended  
2322 to read:

2323 489.531 Prohibitions; penalties.--

2324 (4)

2325 (d) The act for which the citation is issued shall be  
2326 ceased upon receipt of the citation; and the person charged with  
2327 the violation shall elect either to correct the violation and  
2328 pay the civil penalty in the manner indicated on the citation  
2329 or, within 10 days after ~~of~~ receipt of the citation, exclusive  
2330 of weekends and legal holidays, request an administrative  
2331 hearing before the enforcement or licensing board or designated  
2332 special magistrate ~~master~~ to appeal the issuance of the citation  
2333 by the code enforcement officer.

2334 1. Hearings shall be held before an enforcement or  
2335 licensing board or designated special magistrate ~~master~~ as  
2336 established by s. 162.03(2) and such hearings shall be conducted  
2337 pursuant to ss. 162.07 and 162.08.

2338 2. Failure of a violator to appeal the decision of the  
2339 code enforcement officer within the time period set forth in  
2340 this paragraph shall constitute a waiver of the violator's right  
2341 to an administrative hearing. A waiver of the right to  
2342 administrative hearing shall be deemed an admission of the  
2343 violation and penalties may be imposed accordingly.

2344 3. If the person issued the citation, or his or her  
2345 designated representative, shows that the citation is invalid or  
2346 that the violation has been corrected prior to appearing before  
2347 the enforcement or licensing board or designated special  
2348 magistrate ~~master~~, the enforcement or licensing board or

340119

Amendment No. (for drafter's use only)

2349 designated special magistrate ~~master~~ shall dismiss the citation  
2350 unless the violation is irreparable or irreversible.

2351 4. Each day a willful, knowing violation continues shall  
2352 constitute a separate offense under the provisions of this  
2353 subsection.

2354 (f) If the enforcement or licensing board or designated  
2355 special magistrate ~~master~~ finds that a violation exists, the  
2356 enforcement or licensing board or designated special magistrate  
2357 ~~master~~ may order the violator to pay a civil penalty of not less  
2358 than the amount set forth on the citation but not more than \$500  
2359 per day for each violation. In determining the amount of the  
2360 penalty, the enforcement or licensing board or designated  
2361 special magistrate ~~master~~ shall consider the following factors:

2362 1. The gravity of the violation.

2363 2. Any actions taken by the violator to correct the  
2364 violation.

2365 3. Any previous violations committed by the violator.

2366 (g) Upon written notification by the code enforcement  
2367 officer that a violator had not contested the citation or paid  
2368 the civil penalty within the timeframe allowed on the citation,  
2369 or if a violation has not been corrected within the timeframe  
2370 set forth on the notice of violation, the enforcement or  
2371 licensing board or the designated special magistrate ~~master~~  
2372 shall enter an order ordering the violator to pay the civil  
2373 penalty set forth on the citation or notice of violation, and a  
2374 hearing shall not be necessary for the issuance of such order.

2375 (h) A certified copy of an order imposing a civil penalty  
2376 against an uncertified contractor may be recorded in the public  
2377 records and thereafter shall constitute a lien against any real

340119

Amendment No. (for drafter's use only)

2378 or personal property owned by the violator. Upon petition to  
2379 the circuit court, such order may be enforced in the same manner  
2380 as a court judgment by the sheriffs of this state, including a  
2381 levy against personal property; however, such order shall not be  
2382 deemed to be a court judgment except for enforcement purposes.  
2383 A civil penalty imposed pursuant to this part shall continue to  
2384 accrue until the violator comes into compliance or until  
2385 judgment is rendered in a suit to foreclose on a lien filed  
2386 pursuant to this section, whichever occurs first. After 3  
2387 months following ~~from~~ the filing of any such lien which remains  
2388 unpaid, the enforcement or licensing board or designated special  
2389 magistrate ~~master~~ may authorize the local governing body's  
2390 attorney to foreclose on the lien. No lien created pursuant to  
2391 the provisions of this part may be foreclosed on real property  
2392 which is a homestead under s. 4, Art. X of the State  
2393 Constitution.

2394 (j) An aggrieved party, including the local governing  
2395 body, may appeal a final administrative order of an enforcement  
2396 or licensing board or ~~special~~ designated special magistrate  
2397 ~~master~~ to the circuit court. Such an appeal shall not be a  
2398 hearing de novo but shall be limited to appellate review of the  
2399 record created before the enforcement or licensing board or  
2400 designated special master. An appeal shall be filed within 30  
2401 days of the execution of the order to be appealed.

2402 Section 88. Subsection (1) of section 496.420, Florida  
2403 Statutes, is amended to read:

2404 496.420 Civil remedies and enforcement.--

2405 (1) In addition to other remedies authorized by law, the  
2406 department may bring a civil action in circuit court to enforce

340119

Amendment No. (for drafter's use only)

2407 ss. 496.401-496.424 or s. 496.426. Upon a finding that any  
2408 person has violated any of these sections, a court may make any  
2409 necessary order or enter a judgment including, but not limited  
2410 to, a temporary or permanent injunction, a declaratory judgment,  
2411 the appointment of a general or special magistrate ~~master~~ or  
2412 receiver, the sequestration of assets, the reimbursement of  
2413 persons from whom contributions have been unlawfully solicited,  
2414 the distribution of contributions in accordance with the  
2415 charitable or sponsor purpose expressed in the registration  
2416 statement or in accordance with the representations made to the  
2417 person solicited, the reimbursement of the department for  
2418 investigative costs, attorney's fees and costs, and any other  
2419 equitable relief the court finds appropriate. Upon a finding  
2420 that any person has violated any provision of ss. 496.401-  
2421 496.424 or s. 496.426 with actual knowledge or knowledge fairly  
2422 implied on the basis of objective circumstances, a court may  
2423 enter an order imposing a civil penalty in an amount not to  
2424 exceed \$10,000 per violation.

2425 Section 89. Subsection (3) of section 501.207, Florida  
2426 Statutes, is amended to read:

2427 501.207 Remedies of enforcing authority.--

2428 (3) Upon motion of the enforcing authority or any  
2429 interested party in any action brought under subsection (1), the  
2430 court may make appropriate orders, including, but not limited  
2431 to, appointment of a general or special magistrate ~~master~~ or  
2432 receiver or sequestration or freezing of assets, to reimburse  
2433 consumers or governmental entities found to have been damaged;  
2434 to carry out a transaction in accordance with the reasonable  
2435 expectations of consumers or governmental entities; to strike or

340119

Amendment No. (for drafter's use only)

2436 limit the application of clauses of contracts to avoid an  
2437 unconscionable result; to order any defendant to divest herself  
2438 or himself of any interest in any enterprise, including real  
2439 estate; to impose reasonable restrictions upon the future  
2440 activities of any defendant to impede her or him from engaging  
2441 in or establishing the same type of endeavor; to order the  
2442 dissolution or reorganization of any enterprise; or to grant  
2443 legal, equitable, or other appropriate relief. The court may  
2444 assess the expenses of a general or special magistrate ~~master~~ or  
2445 receiver against a person who has violated, is violating, or is  
2446 otherwise likely to violate this part. Any injunctive order,  
2447 whether temporary or permanent, issued by the court shall be  
2448 effective throughout the state unless otherwise provided in the  
2449 order.

2450 Section 90. Section 501.618, Florida Statutes, is amended  
2451 to read:

2452 501.618 General civil remedies.--The department may bring:

2453 (1) An action to obtain a declaratory judgment that an act  
2454 or practice violates the provisions of this part.

2455 (2) An action to enjoin a person who has violated, is  
2456 violating, or is otherwise likely to violate the provisions of  
2457 this part.

2458 (3) An action on behalf of one or more purchasers for the  
2459 actual damages caused by an act or practice performed in  
2460 violation of the provisions of this part. Such an action may  
2461 include, but is not limited to, an action to recover against a  
2462 bond, letter of credit, or certificate of deposit as otherwise  
2463 provided in this part.

2464

340119

Amendment No. (for drafter's use only)

2465 Upon motion of the enforcing authority in any action brought  
2466 under this section, the court may make appropriate orders,  
2467 including appointment of a general or special magistrate ~~master~~  
2468 or receiver or sequestration of assets, to reimburse consumers  
2469 found to have been damaged, to carry out a consumer transaction  
2470 in accordance with the consumer's reasonable expectations, or to  
2471 grant other appropriate relief. The court may assess the  
2472 expenses of a general or special magistrate ~~master~~ or receiver  
2473 against a commercial telephone seller. Any injunctive order,  
2474 whether temporary or permanent, issued by the court shall be  
2475 effective throughout the state unless otherwise provided in the  
2476 order.

2477 Section 91. Subsection (6) of section 559.936, Florida  
2478 Statutes, is amended to read:

2479 559.936 Civil penalties; remedies.--

2480 (6) Upon motion of the department in any action brought  
2481 under this part, the court may make appropriate orders,  
2482 including appointment of a general or special magistrate ~~master~~  
2483 or receiver or sequestration of assets, to reimburse consumers  
2484 found to have been damaged, to carry out a consumer transaction  
2485 in accordance with the consumer's reasonable expectations, or to  
2486 grant other appropriate relief.

2487 Section 92. Subsection (1) of section 582.23, Florida  
2488 Statutes, is amended to read:

2489 582.23 Performance of work under the regulations by the  
2490 supervisors.--

2491 (1) The supervisors may go upon any lands within the  
2492 district to determine whether land use regulations adopted are  
2493 being observed. Where the supervisors of any district shall

340119

Amendment No. (for drafter's use only)

2494 find that any of the provisions of land use regulations adopted  
2495 are not being observed on particular lands, and that such  
2496 nonobservance tends to increase erosion on such lands and is  
2497 interfering with the prevention or control of erosion on other  
2498 lands within the district, the supervisors may present to the  
2499 circuit court for the county or counties within which the lands  
2500 of the defendant may lie, a petition, duly verified, setting  
2501 forth the adoption of the land use regulations, the failure of  
2502 the defendant landowner or occupier to observe such regulations,  
2503 and to perform particular work, operations, or avoidances as  
2504 required thereby, and that such nonobservance tends to increase  
2505 erosion on such lands and is interfering with the prevention or  
2506 control of erosion on other lands within the district, and  
2507 praying the court to require the defendant to perform the work,  
2508 operations, or avoidances within a reasonable time and to order  
2509 that if the defendant shall fail so to perform the supervisors  
2510 may go on the land, perform the work or other operations or  
2511 otherwise bring the condition of such lands into conformity with  
2512 the requirements of such regulations, and recover the costs and  
2513 expenses thereof, with interest, from the owner of such land.  
2514 Upon the presentation of such petition the court shall cause  
2515 process to be issued against the defendant, and shall hear the  
2516 case. If it shall appear to the court that testimony is  
2517 necessary for the proper disposition of the matter, it may take  
2518 evidence or appoint a special magistrate ~~master~~ to take such  
2519 evidence as it may direct and report the same to the court  
2520 within her or his findings of fact and conclusions of law, which  
2521 shall constitute a part of the proceedings upon which the  
2522 determination of the court shall be made.

340119



Amendment No. (for drafter's use only)

2523 Section 93. Subsection (2) of section 631.182, Florida  
2524 Statutes, is amended to read:

2525 631.182 Receiver claims report and claimants objections  
2526 procedure.--

2527 (2) At the hearing, any interested person is entitled to  
2528 appear. The hearing shall not be de novo but shall be limited to  
2529 the record as described in s. 631.181(2). The court shall enter  
2530 an order allowing, allowing in part, or disallowing the claim.  
2531 Any such order is deemed to be an appealable order. In the  
2532 interests of judicial economy, the court may appoint a special  
2533 magistrate ~~master~~ to resolve objections or to perform any  
2534 particular service required by the court. This subsection shall  
2535 apply to receivership proceedings commencing prior to, or  
2536 subsequent to, July 1, 1997.

2537 Section 94. Subsections (3) and (4) of section 631.331,  
2538 Florida Statutes, are amended to read:

2539 631.331 Assessment prima facie correct; notice; payment;  
2540 proceeding to collect.--

2541 (3) If any such member or subscriber fails to pay the  
2542 assessment within the period specified in the notice, which  
2543 period shall not be less than 20 days after mailing, the  
2544 department may obtain an order in the delinquency proceeding  
2545 requiring the member or subscriber to show cause at a time and  
2546 place fixed by the court why judgment should not be entered  
2547 against such member or subscriber for the amount of the  
2548 assessment, together with all costs. ~~and~~ A copy of the order  
2549 and a copy of the petition therefor shall be served upon the  
2550 member or subscriber within the time and in the manner  
2551 designated in the order.

340119

Amendment No. (for drafter's use only)

2552 (4) If the subscriber or member after due service of a  
2553 copy of the order and petition referred to in subsection (3) is  
2554 made upon her or him:

2555 (a) Fails to appear at the time and place specified in the  
2556 order, judgment shall be entered against her or him as prayed  
2557 for in the petition; or

2558 (b) Appears in the manner and form required by law in  
2559 response to the order, the court shall hear and determine the  
2560 matter and enter a judgment in accordance with its decision. In  
2561 the interests of judicial economy, the court may appoint a  
2562 special magistrate ~~master~~ to resolve objections or to perform  
2563 any particular service required by the court. This paragraph  
2564 shall apply to receivership proceedings commencing prior to, or  
2565 subsequent to, July 1, 1997.

2566 Section 95. Subsection (2) of section 633.052, Florida  
2567 Statutes, is amended to read:

2568 633.052 Ordinances relating to firesafety; definitions;  
2569 penalties.--

2570 (2) A county or municipality that ~~which~~ has created a code  
2571 enforcement board or special magistrate ~~master~~ system pursuant  
2572 to chapter 162 may enforce firesafety code violations as  
2573 provided in chapter 162. The governing body of a county or  
2574 municipality which has not created a code enforcement board or  
2575 special magistrate ~~master~~ system for firesafety under chapter  
2576 162 is authorized to enact ordinances relating to firesafety  
2577 codes, which ordinances shall provide:

2578 (a) That a violation of such an ordinance is a civil  
2579 infraction.

2580 (b) A maximum civil penalty not to exceed \$500.

340119

Amendment No. (for drafter's use only)

2581 (c) A civil penalty of less than the maximum civil penalty  
2582 if the person who has committed the civil infraction does not  
2583 contest the citation.

2584 (d) For the issuance of a citation by an officer who has  
2585 probable cause to believe that a person has committed a  
2586 violation of an ordinance relating to firesafety.

2587 (e) For the contesting of a citation in the county court.

2588 (f) Such procedures and provisions necessary to implement  
2589 any ordinances enacted under the authority of this section.

2590 Section 96. Subsection (2) of section 744.369, Florida  
2591 Statutes, is amended to read:

2592 744.369 Judicial review of guardianship reports.--

2593 (2) The court may appoint general or special magistrate  
2594 ~~masters~~ to assist the court in its review function. The court  
2595 may require the general or special magistrate ~~master~~ to conduct  
2596 random field audits.

2597 Section 97. Subsection (11) of section 760.11, Florida  
2598 Statutes, is amended to read:

2599 760.11 Administrative and civil remedies; construction.--

2600 (11) If a complaint is within the jurisdiction of the  
2601 commission, the commission shall simultaneously with its other  
2602 statutory obligations attempt to eliminate or correct the  
2603 alleged discrimination by informal methods of conference,  
2604 conciliation, and persuasion. Nothing said or done in the  
2605 course of such informal endeavors may be made public or used as  
2606 evidence in a subsequent civil proceeding, trial, or hearing.  
2607 The commission may initiate dispute resolution procedures,  
2608 including voluntary arbitration, by special magistrates ~~masters~~  
2609 or mediators. The commission may adopt rules as to the

340119

Amendment No. (for drafter's use only)

2610 qualifications of persons who may serve as special magistrates  
2611 ~~masters~~ and mediators.

2612 Section 98. Subsection (1) of section 837.011, Florida  
2613 Statutes, is amended to read:

2614 837.011 Definitions.--In this chapter, unless a different  
2615 meaning plainly is required:

2616 (1) "Official proceeding" means a proceeding heard, or  
2617 which may be or is required to be heard, before any legislative,  
2618 judicial, administrative, or other governmental agency or  
2619 official authorized to take evidence under oath, including any  
2620 referee, general or special magistrate ~~master in chancery~~,  
2621 administrative law judge, hearing officer, hearing examiner,  
2622 commissioner, notary, or other person taking testimony or a  
2623 deposition in connection with any such proceeding.

2624 Section 99. Subsection (4) of section 838.014, Florida  
2625 Statutes, is amended to read:

2626 838.014 Definitions.--For the purposes of this chapter,  
2627 unless a different meaning plainly is required:

2628 (4) "Public servant" means any public officer, agent, or  
2629 employee of government, whether elected or appointed, including,  
2630 but not limited to, any executive, legislative, or judicial  
2631 officer; any person who holds an office or position in a  
2632 political party or political party committee, whether elected or  
2633 appointed; and any person participating as a general or special  
2634 magistrate ~~master~~, receiver, auditor, juror, arbitrator, umpire,  
2635 referee, consultant, administrative law judge, hearing officer,  
2636 or hearing examiner, or person acting on behalf of any of these,  
2637 in performing a governmental function; but the term does not  
2638 include witnesses. Such term shall include a candidate for

340119

Amendment No. (for drafter's use only)

2639 election or appointment to any such office, including any  
2640 individual who seeks or intends to occupy any such office. It  
2641 shall include any person appointed to any of the foregoing  
2642 offices or employments before and after he or she qualifies.

2643 Section 100. Section 839.17, Florida Statutes, is amended  
2644 to read:

2645 839.17 Misappropriation of moneys by commissioners to make  
2646 sales.--Any commissioner or general or special magistrate ~~master~~  
2647 ~~in chancery~~, having received the purchase money or the  
2648 securities resulting from any of the sales authorized by law,  
2649 who shall fail to deliver such moneys and securities, or either  
2650 of them, to the executor or administrator, or the person  
2651 entitled to receive the same, upon the order of the court,  
2652 unless she or he is rendered unable to do so by some cause not  
2653 attributable to her or his own default or neglect, shall be  
2654 fined in a sum equal to the amount received from the purchaser,  
2655 and commits ~~shall be guilty of~~ a felony of the second degree,  
2656 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2657 Section 101. Paragraph (a) of subsection (3) of section  
2658 916.107, Florida Statutes, is amended to read:

2659 916.107 Rights of forensic clients.--

2660 (3) RIGHT TO EXPRESS AND INFORMED CONSENT.--

2661 (a) A client committed to the department pursuant to this  
2662 act shall be asked to give express and informed written consent  
2663 for treatment. If a client in a forensic facility refuses such  
2664 treatment as is deemed necessary by the client's  
2665 multidisciplinary treatment team at the forensic facility for  
2666 the appropriate care of the client and the safety of the client

Amendment No. (for drafter's use only)

2667 or others, such treatment may be provided under the following  
2668 circumstances:

2669 1. In an emergency situation in which there is immediate  
2670 danger to the safety of the client or others, such treatment may  
2671 be provided upon the written order of a physician for a period  
2672 not to exceed 48 hours, excluding weekends and legal holidays.  
2673 If, after the 48-hour period, the client has not given express  
2674 and informed consent to the treatment initially refused, the  
2675 administrator or designee of the forensic facility shall, within  
2676 48 hours, excluding weekends and legal holidays, petition the  
2677 committing court or the circuit court serving the county in  
2678 which the facility is located, at the option of the facility  
2679 administrator or designee, for an order authorizing the  
2680 continued treatment of the client. In the interim, treatment  
2681 may be continued without the consent of the client upon the  
2682 continued written order of a physician who has determined that  
2683 the emergency situation continues to present a danger to the  
2684 safety of the client or others.

2685 2. In a situation other than an emergency situation, the  
2686 administrator or designee of the forensic facility shall  
2687 petition the court for an order authorizing the treatment to the  
2688 client. The order shall allow such treatment for a period not  
2689 to exceed 90 days from the date of the entry of the order.  
2690 Unless the court is notified in writing that the client has  
2691 provided express and informed consent in writing or that the  
2692 client has been discharged by the committing court, the  
2693 administrator or designee shall, prior to the expiration of the  
2694 initial 90-day order, petition the court for an order  
2695 authorizing the continuation of treatment for another 90-day

340119

Amendment No. (for drafter's use only)

2696 period. This procedure shall be repeated until the client  
2697 provides consent or is discharged by the committing court.

2698 3. At the hearing on the issue of whether the court should  
2699 enter an order authorizing treatment for which a client has  
2700 refused to give express and informed consent, the court shall  
2701 determine by clear and convincing evidence that the client is  
2702 mentally ill, retarded, or autistic as defined in this chapter,  
2703 that the treatment not consented to is essential to the care of  
2704 the client, and that the treatment not consented to is not  
2705 experimental and does not present an unreasonable risk of  
2706 serious, hazardous, or irreversible side effects. In arriving  
2707 at the substitute judgment decision, the court must consider at  
2708 least the following factors:

- 2709 a. The client's expressed preference regarding treatment;  
2710 b. The probability of adverse side effects;  
2711 c. The prognosis without treatment; and  
2712 d. The prognosis with treatment.

2713  
2714 The hearing shall be as convenient to the client as may be  
2715 consistent with orderly procedure and shall be conducted in  
2716 physical settings not likely to be injurious to the client's  
2717 condition. The court may appoint a general or special magistrate  
2718 ~~master~~ to preside at the hearing. The client or the client's  
2719 guardian, and the representative, shall be provided with a copy  
2720 of the petition and the date, time, and location of the hearing.  
2721 The client has the right to have an attorney represent him or  
2722 her at the hearing, and, if the client is indigent, the court  
2723 shall appoint the office of the public defender to represent the  
2724 client at the hearing. The client may testify or not, as he or

340119

Amendment No. (for drafter's use only)

2725 she chooses, and has the right to cross-examine witnesses and  
2726 may present his or her own witnesses.

2727 Section 102. Subsection (11) of section 938.30, Florida  
2728 Statutes, is amended to read:

2729 938.30 Court-imposed financial obligations in criminal  
2730 cases; supplementary proceedings.--

2731 (11) The court may refer any proceeding under this section  
2732 to a special magistrate ~~master~~ who shall report findings and  
2733 make recommendations to the court. The court shall act on such  
2734 recommendations within a reasonable amount of time.

2735 Section 103. Subsection (3) of section 945.43, Florida  
2736 Statutes, is amended to read:

2737 945.43 Admission of inmate to mental health treatment  
2738 facility.--

2739 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR  
2740 MENTAL HEALTH TREATMENT.--If the inmate does not waive a hearing  
2741 or if the inmate or the inmate's representative files a petition  
2742 for a hearing after having waived it, the court shall serve  
2743 notice on the warden of the facility where the inmate is  
2744 confined, the director, and the allegedly mentally ill inmate.  
2745 The notice shall specify the date, time, and place of the  
2746 hearing; the basis for the allegation of mental illness; and the  
2747 names of the examining experts. The hearing shall be held within  
2748 5 days, and the court may appoint a general or special  
2749 magistrate ~~master~~ to preside. The hearing may be as informal as  
2750 is consistent with orderly procedure. One of the experts whose  
2751 opinion supported the recommendation shall be present at the  
2752 hearing for information purposes. If, at the hearing, the court  
2753 finds that the inmate is mentally ill and in need of care and

340119



Amendment No. (for drafter's use only)

2754 treatment, it shall order that he or she be transferred to a  
 2755 mental health treatment facility and provided appropriate  
 2756 treatment. The court shall provide a copy of its order  
 2757 authorizing transfer and all supporting documentation relating  
 2758 to the inmate's condition to the warden of the treatment  
 2759 facility. If the court finds that the inmate is not mentally  
 2760 ill, it shall dismiss the petition for transfer.

2761  
 2762

===== T I T L E A M E N D M E N T =====

2764 Remove line(s) 2, and insert:  
 2765 An act relating to the judicial system; amending ss.  
 2766 26.012, 27.06, 34.01, 48.20, 142.09, 316.635, 373.603,  
 2767 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482,  
 2768 828.122, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07,  
 2769 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17,  
 2770 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01,  
 2771 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14,  
 2772 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18,  
 2773 947.141, 948.06, 985.05, F.S., relating to various court  
 2774 procedures; redesignating "magistrates" as "trial court  
 2775 judges"; amending ss. 56.071, 56.29, 61.1826, 64.061,  
 2776 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47,  
 2777 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12,  
 2778 194.013, 194.034, 194.035, 206.16, 207.016, 320.411,  
 2779 393.11, 394.467, 397.311, 397.681, 447.207, 447.403,  
 2780 447.405, 447.407, 447.409, 475.011, 489.127, 489.531,  
 2781 496.420, 501.207, 501.618, 559.936, 582.23, 631.182,  
 2782 631.331, 633.052, 744.369, 760.11, 837.011, 838.014,

Amendment No. (for drafter's use only)

2783 | 839.17, 916.107, 938.30, 945.43, F.S., relating to  
2784 | various administrative and judicial proceedings;  
2785 | redesignating "masters" and "general or special masters"  
2786 | as "general or special magistrates"; amending s.