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A bill to be entitled

An act relating to magistrates and masters; amending ss. 26.012, 27.06, 34.01, 48.20, 142.09, 316.635, 373.603, 381.0012, 450.121, 560.306, 633.14, 648.44, 817.482, 832.05, 876.42, 893.12, 901.01, 901.02, 901.07, 901.08, 901.09, 901.11, 901.12, 901.25, 902.15, 902.17, 902.20, 902.21, 903.03, 903.32, 903.34, 914.22, 923.01, 933.01, 933.06, 933.07, 933.10, 933.101, 933.13, 933.14, 939.02, 939.14, 941.13, 941.14, 941.15, 941.17, 941.18, 947.141, 948.06, and 985.05, F.S., relating to various court procedures; redesignating "magistrates" as "trial court judges"; amending ss. 56.071, 56.29, 61.1826, 64.061, 65.061, 69.051, 70.51, 92.142, 112.41, 112.43, 112.47, 162.03, 162.06, 162.09, 173.09, 173.10, 173.11, 173.12, 194.013, 194.034, 194.035, 206.16, 207.016, 320.411, 393.11, 394.467, 397.311, 397.681, 447.207, 447.403, 447.405, 447.407, 447.409, 475.011, 489.127, 489.531, 496.420, 501.207, 501.618, 559.936, 582.23, 631.182, 631.331, 633.052, 744.369, 760.11, 837.011, 838.014, 839.17, 916.107, 938.30, and 945.43, F.S., relating to various administrative and judicial proceedings; redesignating "masters" and "general or special masters" as "general or special magistrates"; providing an effective date.

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

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

26.012 Jurisdiction of circuit court.--

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

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

34 27.06 Habeas corpus and preliminary trials.--The several
35 state attorneys of this state shall represent the state in all
36 cases of habeas corpus arising in their respective circuits, and
37 shall also represent the state, either in person or by
38 assistant, in cases of preliminary trials of persons charged
39 with capital offenses in all cases where the committing trial
40 court judge ~~magistrate~~ shall have given due and timely notice of
41 the time and place of such trial. Notice of the application for
42 the writ of habeas corpus shall be given to the prosecuting
43 officer of the court wherein the statute under attack is being
44 applied, the criminal law proceeding is being maintained, or the
45 conviction has occurred.

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

49 34.01 Jurisdiction of county court.--

50 (2) The county courts shall have jurisdiction previously
51 exercised by county judges' courts other than that vested in the
52 circuit court by s. 26.012, except that county court judges may
53 hear matters involving dissolution of marriage under the
54 simplified dissolution procedure pursuant to ~~Rule 1.611(c)~~,
55 Florida Family Law Rules of ~~Civil~~ Procedure or may issue a final
56 order for dissolution in cases where the matter is uncontested,
57 and the jurisdiction previously exercised by county courts, the
58 claims court, small claims courts, small claims magistrates
59 courts, magistrates courts, justice of the peace courts,
60 municipal courts, and courts of chartered counties, including

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61 but not limited to the counties referred to in ss. 9, 10, 11,
 62 and 24, Art. VIII of the State Constitution of 1968 ~~1885~~.

63 (3) Judges of county courts shall also be committing trial
 64 court judges ~~magistrates~~. Judges of county courts shall be
 65 coroners unless otherwise provided by law or by rule of the
 66 Supreme Court.

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

68 Section 4. Section 48.20, Florida Statutes, is amended to
 69 read:

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

85 Section 5. Section 142.09, Florida Statutes, is amended to
 86 read:

87 142.09 If defendant is not convicted or dies.--If the
 88 defendant is not convicted, or the prosecution is abated by the
 89 death of the defendant, or if the costs are imposed on the
 90 defendant and execution against him or her is returned no

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91 property found, or if a nolle proesse be entered, in each of
 92 these cases the fees of witnesses and officers arising from
 93 criminal causes shall be paid by the county in the manner
 94 specified in ss. 142.10-142.12; provided, that when a committing
 95 trial court judge ~~magistrate~~ holds to bail or commits a person
 96 to answer to a criminal charge and an information is not filed
 97 or an indictment found against such person, the costs and fees
 98 of such committing trial shall not be paid by the county, except
 99 the costs of executing the warrants.

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

102 316.635 Courts having jurisdiction over traffic
 103 violations; powers relating to custody and detention of
 104 minors.--

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

115 (a) Issue a notice to appear pursuant to chapter 901 and
 116 release the minor to a parent, guardian, responsible adult
 117 relative, or other responsible adult;

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

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120 (c) Issue a notice to appear pursuant to chapter 901 and
 121 deliver the minor to an appropriate substance abuse treatment or
 122 rehabilitation facility or refer the minor to an appropriate
 123 medical facility as provided in s. 901.29. If the minor cannot
 124 be delivered to an appropriate substance abuse treatment or
 125 rehabilitation facility or medical facility, the arresting
 126 officer may deliver the minor to an appropriate intake office of
 127 the Department of Juvenile Justice, which shall take custody of
 128 the minor and make any appropriate referrals; or

129 (d) If the violation constitutes a felony and the minor
 130 cannot be released pursuant to s. 903.03, transport and deliver
 131 the minor to an appropriate Department of Juvenile Justice
 132 intake office. Upon delivery of the minor to the intake office,
 133 the department shall assume custody and proceed pursuant to
 134 chapter 984 or chapter 985.

135
 136 If action is not taken pursuant to paragraphs (a)-(d), the minor
 137 shall be delivered to the Department of Juvenile Justice, and
 138 the department shall make every reasonable effort to contact the
 139 parents, guardian, or responsible adult relative to take custody
 140 of the minor. If there is no parent, guardian, or responsible
 141 adult relative available, the department may retain custody of
 142 the minor for up to 24 hours.

143 Section 7. Section 373.603, Florida Statutes, is amended
 144 to read:

145 373.603 Power to enforce.--The Department of Environmental
 146 Protection or the governing board of any water management
 147 district and any officer or agent thereof may enforce any
 148 provision of this law or any rule or regulation adopted and
 149 promulgated or order issued thereunder to the same extent as any

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150 peace officer is authorized to enforce the law. Any officer or
 151 agent of any such board may appear before any trial court judge
 152 ~~magistrate~~ empowered to issue warrants in criminal cases and
 153 make an affidavit and apply for the issuance of a warrant in the
 154 manner provided by law. ~~and said magistrate,~~ If such affidavit
 155 alleges ~~shall allege~~ the commission of an offense, the trial
 156 court judge shall issue a warrant directed to any sheriff or
 157 deputy for the arrest of any offender. The provisions of this
 158 section shall apply to the Florida Water Resources Act of 1972
 159 in its entirety.

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

162 381.0012 Enforcement authority.--

163 (4) The department may appear before any trial court judge
 164 ~~magistrate~~ empowered to issue warrants in criminal cases and
 165 request the issuance of a warrant. The trial court judge
 166 ~~magistrate~~ shall issue a warrant directed to any sheriff,
 167 deputy, or police officer to assist in any way to carry out the
 168 purpose and intent of this chapter.

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

171 450.121 Enforcement of Child Labor Law.--

172 (3) It is the duty of any trial court judge ~~magistrate~~ of
 173 any court in the state to issue warrants and try cases made
 174 within the limit of any municipality ~~city~~ over which such trial
 175 court judge ~~magistrate~~ has jurisdiction in connection with the
 176 violation of this law.

177 (4) Grand juries shall have inquisitorial powers to
 178 investigate violations of this chapter; also, trial ~~county~~ court
 179 judges ~~and judges of the circuit courts~~ shall specially charge

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180 the grand jury, at the beginning of each term of the court, to
 181 investigate violations of this chapter.

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

184 560.306 Standards.--

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

203 Section 11. Section 633.14, Florida Statutes, is amended
 204 to read:

205 633.14 Agents; powers to make arrests, conduct searches
 206 and seizures, serve summonses, and carry firearms.--Agents of
 207 the State Fire Marshal shall have the same authority to serve
 208 summonses, make arrests, carry firearms, and make searches and
 209 seizures, as the sheriff or her or his deputies, in the

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210 respective counties where such investigations, hearings, or
 211 inspections may be held; and affidavits necessary to authorize
 212 any such arrests, searches, or seizures may be made before any
 213 trial court judge ~~magistrate~~ having authority under the law to
 214 issue appropriate processes.

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

218 648.44 Prohibitions; penalty.--

219 (1) A bail bond agent or temporary bail bond agent may
 220 not:

221 (e) Pay a fee or rebate or give or promise anything of
 222 value to a jailer, police officer, peace officer, or committing
 223 trial court judge ~~magistrate~~ or any other person who has power
 224 to arrest or to hold in custody or to any public official or
 225 public employee in order to secure a settlement, compromise,
 226 remission, or reduction of the amount of any bail bond or
 227 estreatment thereof.

228 (2) The following persons or classes shall not be bail
 229 bond agents, temporary bail bond agents, or employees of a bail
 230 bond agent or a bail bond business and shall not directly or
 231 indirectly receive any benefits from the execution of any bail
 232 bond:

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

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

237 817.482 Possessing or transferring device for theft of
 238 telecommunications service; concealment of destination of
 239 telecommunications service.--

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

251 Section 14. Subsection (8) of section 832.05, Florida
 252 Statutes, is amended to read:

253 832.05 Giving worthless checks, drafts, and debit card
 254 orders; penalty; duty of drawee; evidence; costs; complaint
 255 form.--

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

262 Section 15. Section 876.42, Florida Statutes, is amended
 263 to read:

264 876.42 Witnesses' privileges.--No person shall be excused
 265 from attending and testifying, or producing any books, papers,
 266 or other documents before any court, ~~magistrate~~, referee, or
 267 grand jury upon any investigation, proceeding, or trial, for or
 268 relating to or concerned with a violation of any section of this
 269 law or attempt to commit such violation, upon the ground or for

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270 the reason that the testimony or evidence, documentary or
 271 otherwise, required by the state may tend to convict the person
 272 of a crime or to subject him or her to a penalty or forfeiture;
 273 but no person shall be prosecuted or subjected to any penalty or
 274 forfeiture for or on account of any transaction, matter, or
 275 thing concerning which the person may so testify or produce
 276 evidence, documentary or otherwise, and no testimony so given or
 277 produced shall be received against the person, upon any criminal
 278 investigation, proceeding, or trial, except upon a prosecution
 279 for perjury or contempt of court, based upon the giving or
 280 producing of such testimony.

281 Section 16. Paragraph (a) of subsection (1) of section
 282 893.12, Florida Statutes, is amended to read:

283 893.12 Contraband; seizure, forfeiture, sale.--

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

293 (a) Except as in this section otherwise provided, the
 294 court having jurisdiction shall order such controlled substances
 295 or listed chemicals forfeited and destroyed. A record of the
 296 place where said controlled substances or listed chemicals were
 297 seized, of the kinds and quantities of controlled substances or
 298 listed chemicals destroyed, and of the time, place, and manner
 299 of destruction shall be kept, and a return under oath reporting

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300 said destruction shall be made to the court ~~or magistrate~~ by the
 301 officer who destroys them.

302 Section 17. Section 901.01, Florida Statutes, is amended
 303 to read:

304 901.01 Judicial officers have ~~to be~~ committing authority
 305 ~~magistrates~~.--Each state judicial officer is a conservator of
 306 the peace and has a committing ~~magistrate~~ ~~with~~ authority to
 307 issue warrants of arrest, commit offenders to jail, and
 308 recognize them to appear to answer the charge. He or she may
 309 require sureties of the peace when the peace has been
 310 substantially threatened or disturbed.

311 Section 18. Subsection (1) of section 901.02, Florida
 312 Statutes, is amended to read:

313 901.02 When warrant of arrest to be issued.--

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

321 Section 19. Section 901.07, Florida Statutes, is amended
 322 to read:

323 901.07 Admission to bail when arrest occurs in another
 324 county.--

325 (1) When an arrest by a warrant occurs in a county other
 326 than the one in which the alleged offense was committed and the
 327 warrant issued, if the person arrested has a right to bail, the
 328 arresting officer shall inform the person of his or her right
 329 and, upon request, shall take the person before a trial court

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330 judge ~~magistrate~~ or other official of the same county having
 331 authority to admit to bail. The official shall admit the person
 332 arrested to bail for his or her appearance before the trial
 333 court judge ~~magistrate~~ who issued the warrant.

334 (2) If the person arrested does not have a right to bail
 335 or, when informed of his or her right to bail, does not furnish
 336 bail immediately, the officer who made the arrest or the officer
 337 having the warrant shall take the person before the trial court
 338 judge ~~magistrate~~ who issued the warrant.

339 Section 20. Section 901.08, Florida Statutes, is amended
 340 to read:

341 901.08 Issue of warrant when offense triable in another
 342 county.--

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

353 (2) If the person arrested has a right to bail, the
 354 officer making the arrest shall inform the person of his or her
 355 right to bail and, on request, shall take the person before a
 356 trial court judge ~~magistrate~~ or other official having authority
 357 to admit to bail in the county in which the arrest is made. The
 358 official shall admit the person to bail for his or her

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359 appearance before the trial court judge ~~magistrate~~ designated in
 360 the warrant.

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

365 Section 21. Section 901.09, Florida Statutes, is amended
 366 to read:

367 901.09 When summons shall be issued.--

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

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

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

384 Section 22. Section 901.11, Florida Statutes, is amended
 385 to read:

386 901.11 Effect of not answering summons.--Failure to appear
 387 as commanded by a summons without good cause is an indirect
 388 criminal contempt of court and may be punished by a fine of not

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389 more than \$100. When a person fails to appear as commanded by a
 390 summons, the trial court judge ~~magistrate~~ shall issue a warrant.

391 If the trial court judge ~~magistrate~~ acquires reason to believe
 392 that the person summoned will not appear as commanded after
 393 issuing a summons, the trial court judge ~~magistrate~~ may issue a
 394 warrant.

395 Section 23. Section 901.12, Florida Statutes, is amended
 396 to read:

397 901.12 Summons against corporation.--When a complaint of
 398 an offense is made against a corporation, the trial court judge
 399 ~~magistrate~~ shall issue a summons that shall set forth
 400 substantially the nature of the offense and command the
 401 corporation to appear before the trial court judge ~~magistrate~~ at
 402 a stated time and place.

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

405 901.25 Fresh pursuit; arrest outside jurisdiction.--

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

414 Section 25. Section 902.15, Florida Statutes, is amended
 415 to read:

416 902.15 Undertaking by witness.--When a defendant is held
 417 to answer on a charge for a crime punishable by death or life
 418 imprisonment, the trial court judge ~~magistrate~~ at the

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419 preliminary hearing may require each material witness to enter
 420 into a written recognizance to appear at the trial or forfeit a
 421 sum fixed by the trial court judge ~~magistrate~~. Additional
 422 security may be required in the discretion of the trial court
 423 judge ~~magistrate~~.

424 Section 26. Subsections (1), (2), and (3) of section
 425 902.17, Florida Statutes, are amended to read:

426 902.17 Procedure when witness does not give security.--

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

431 (2) If the trial court judge ~~magistrate~~ requires a witness
 432 to give security for her or his appearance and the witness is
 433 unable to give the security, the witness may apply to the court
 434 having jurisdiction to try the defendant for a reduction of the
 435 security.

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

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449 the trial by the defendant, or, if the prosecuting attorney and
 450 the defendant and the defendant's counsel agree, it may be
 451 admitted in evidence by stipulation. The deposition shall not be
 452 admitted on behalf of the state without the consent of the
 453 defendant.

454 Section 27. Section 902.20, Florida Statutes, is amended
 455 to read:

456 902.20 Contempts before committing trial court judge
 457 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding a
 458 preliminary hearing shall have the same power to punish for
 459 contempts that she or he has while presiding at the trial of
 460 criminal cases.

461 Section 28. Section 902.21, Florida Statutes, is amended
 462 to read:

463 902.21 Commitment to jail in another county.--If a person
 464 is committed in a county where there is no jail, the committing
 465 trial court judge ~~magistrate~~ shall direct the sheriff to deliver
 466 the accused to a jail in another county.

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

469 903.03 Jurisdiction of trial court to admit to bail;
 470 duties and responsibilities of Department of Corrections.--

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

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478 Section 30. Subsection (2) of section 903.32, Florida
 479 Statutes, is amended to read:

480 903.32 Defects in bond.--

481 (2) If no day, or an impossible day, is stated in a bond
 482 for the defendant's appearance before a trial court judge
 483 ~~magistrate~~ for a hearing, the defendant shall be bound to appear
 484 10 days after receipt of notice to appear by the defendant, the
 485 defendant's counsel, or any surety on the undertaking. If no
 486 day, or an impossible day, is stated in a bond for the
 487 defendant's appearance for trial, the defendant shall be bound
 488 to appear on the first day of the next term of court that will
 489 commence more than 3 days after the undertaking is given.

490 Section 31. Section 903.34, Florida Statutes, is amended
 491 to read:

492 903.34 Who may admit to bail.--In criminal actions
 493 instituted or pending in any state court, bonds given by
 494 defendants before trial until appeal shall be approved by a
 495 committing trial court judge ~~magistrate~~ or the sheriff. Appeal
 496 bonds shall be approved as provided in s. 924.15.

497 Section 32. Subsection (4) of section 914.22, Florida
 498 Statutes, is amended to read:

499 914.22 Tampering with a witness, victim, or informant.--

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

502 (a) That the official proceeding before a judge, court,
 503 ~~magistrate~~, grand jury, or government agency is before a judge
 504 or court of the state, a state or local grand jury, or a state
 505 agency; or

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

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

510 Section 33. Section 923.01, Florida Statutes, is amended
 511 to read:

512 923.01 Criminal report.--Each committing trial court judge
 513 ~~magistrate~~ at the time commitment papers are sent by her or him
 514 to the proper trial court, and the sheriff when an arrest is
 515 made, other than on a capias, shall transmit to the prosecuting
 516 attorney of the trial court having jurisdiction, a report in the
 517 following form:

518 CRIMINAL REPORT

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

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

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538 Section 34. Section 933.01, Florida Statutes, is amended
 539 to read:

540 933.01 Persons competent to issue search warrant.--A
 541 search warrant authorized by law may be issued by any judge,
 542 including the ~~judge of any circuit court of this state or county~~
 543 ~~court judge, or~~ committing judge of the trial court ~~magistrate~~
 544 having jurisdiction where the place, vehicle, or thing to be
 545 searched may be.

546 Section 35. Section 933.06, Florida Statutes, is amended
 547 to read:

548 933.06 Sworn application required before issuance.--The
 549 judge ~~or magistrate~~ must, before issuing the warrant, have the
 550 application of some person for said warrant duly sworn to and
 551 subscribed, and may receive further testimony from witnesses or
 552 supporting affidavits, or depositions in writing, to support the
 553 application. The affidavit and further proof, if same be had or
 554 required, must set forth the facts tending to establish the
 555 grounds of the application or probable cause for believing that
 556 they exist.

557 Section 36. Subsection (1) of section 933.07, Florida
 558 Statutes, is amended to read:

559 933.07 Issuance of search warrants.--

560 (1) The judge, upon examination of the application and
 561 proofs submitted, if satisfied that probable cause exists for
 562 the issuing of the search warrant, shall thereupon issue a
 563 search warrant signed by him or her with his or her name of
 564 office, to any sheriff and the sheriff's deputies or any police
 565 officer or other person authorized by law to execute process,
 566 commanding the officer or person forthwith to search the
 567 property described in the warrant or the person named, for the

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568 property specified, and to bring the property and any person
 569 arrested in connection therewith before the judge ~~magistrate~~ or
 570 some other court having jurisdiction of the offense.

571 Section 37. Section 933.10, Florida Statutes, is amended
 572 to read:

573 933.10 Execution of search warrant during day or night.--A
 574 search warrant issued under ~~the provisions of~~ this chapter may,
 575 if expressly authorized in such warrant by the judge ~~or~~
 576 ~~magistrate issuing the same~~, be executed by being served either
 577 in the daytime or in the nighttime, as the exigencies of the
 578 occasion may demand or require.

579 Section 38. Section 933.101, Florida Statutes, is amended
 580 to read:

581 933.101 Service on Sunday.--A search warrant may be
 582 executed by being served on Sunday, if expressly authorized in
 583 such warrant by the judge ~~or magistrate issuing the same~~.

584 Section 39. Section 933.13, Florida Statutes, is amended
 585 to read:

586 933.13 Copy of inventory shall be delivered upon
 587 request.--The judge ~~or magistrate~~ to whom the warrant is
 588 returned, upon the request of any claimant or any person from
 589 whom said property is taken, or the officer who executed the
 590 search warrant, shall deliver to said applicant a true copy of
 591 the inventory of the property mentioned in the return on said
 592 warrant.

593 Section 40. Subsections (1), (3), and (4) of section
 594 933.14, Florida Statutes, are amended to read:

595 933.14 Return of property taken under search warrant.--

596 (1) If it appears to the ~~magistrate or~~ judge before whom
 597 the warrant is returned that the property or papers taken are

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

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627 the return thereof, to show that such contraband was lawfully
 628 acquired, possessed, held, and used.

629 (3) No pistol or firearm taken by any officer with a
 630 search warrant or without a search warrant upon a view by the
 631 officer of a breach of the peace shall be returned except
 632 pursuant to an order of a trial ~~ircuit judge or a county~~ court
 633 judge.

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

649 Section 41. Section 939.02, Florida Statutes, is amended
 650 to read:

651 939.02 Costs before committing trial court judge
 652 ~~magistrate~~.--All costs accruing before a committing trial court
 653 judge ~~magistrate~~ shall be taxed against the defendant on
 654 conviction or estreat of recognizance.

655 Section 42. Section 939.14, Florida Statutes, is amended
 656 to read:

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657 939.14 County not to pay costs in cases where information
 658 is not filed or indictment found.--When a committing trial court
 659 judge ~~magistrate~~ holds to bail or commits any person to answer a
 660 criminal charge in a county court or a circuit court, and an
 661 information is not filed nor an indictment found against such
 662 person, the costs of such committing trial shall not be paid by
 663 the county, except the costs for executing the warrant.

664 Section 43. Section 941.13, Florida Statutes, is amended
 665 to read:

666 941.13 Arrest prior to requisition.--Whenever any person
 667 within this state shall be charged on the oath of any credible
 668 person before any judge ~~or magistrate~~ of this state with the
 669 commission of any crime in any other state, and, except in cases
 670 arising under s. 941.06, with having fled from justice or with
 671 having been convicted of a crime in that state and having
 672 escaped from confinement, or having broken the terms of his or
 673 her bail, probation, or parole, or whenever complaint shall have
 674 been made before any judge ~~or magistrate~~ in this state setting
 675 forth on the affidavit of any credible person in another state
 676 that a crime has been committed in such other state and that the
 677 accused has been charged in such state with the commission of
 678 the crime, and, except in cases arising under s. 941.06, has
 679 fled from justice, or with having been convicted of a crime in
 680 that state and having escaped from confinement, or having broken
 681 the terms of his or her bail, probation, or parole, and is
 682 believed to be in this state, the judge ~~or magistrate~~ shall
 683 issue a warrant directed to any peace officer commanding him or
 684 her to apprehend the person named therein, wherever the person
 685 may be found in this state, and to bring the person before the
 686 same or any other judge, ~~magistrate~~, or court who or which may

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687 be available in, or convenient of, access to the place where the
 688 arrest may be made, to answer the charge or complaint and
 689 affidavit, and a certified copy of the sworn charge or complaint
 690 and affidavit upon which the warrant is issued shall be attached
 691 to the warrant.

692 Section 44. Section 941.14, Florida Statutes, is amended
 693 to read:

694 941.14 Arrest without a warrant.--The arrest of a person
 695 may be lawfully made also by any peace officer or a private
 696 person, without a warrant upon reasonable information that the
 697 accused stands charged in the courts of a state with a crime
 698 punishable by death or imprisonment for a term exceeding 1 year,
 699 but when so arrested the accused must be taken before a judge ~~or~~
 700 ~~magistrate~~ with all practicable speed and complaint must be made
 701 against the accused under oath setting forth the ground for the
 702 arrest as in the preceding section; and thereafter his or her
 703 answer shall be heard as if the accused had been arrested on a
 704 warrant.

705 Section 45. Section 941.15, Florida Statutes, is amended
 706 to read:

707 941.15 Commitment to await requisition; bail.--If from the
 708 examination before the judge ~~or magistrate~~ it appears that the
 709 person held is the person charged with having committed the
 710 crime alleged and, except in cases arising under s. 941.06, that
 711 the person has fled from justice, the judge ~~or magistrate~~ must,
 712 by a warrant reciting the accusation, commit the person to the
 713 county jail for such a time not exceeding 30 days and specified
 714 in the warrant, as will enable the arrest of the accused to be
 715 made under a warrant of the Governor on a requisition of the
 716 executive authority of the state having jurisdiction of the

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717 offense, unless the accused gives ~~give~~ bail as provided in s.
 718 941.16 ~~the next section~~, or until the accused shall be legally
 719 discharged.

720 Section 46. Section 941.17, Florida Statutes, is amended
 721 to read:

722 941.17 Extension of time of commitment, adjournment.--If
 723 the accused is not arrested under warrant of the Governor by the
 724 expiration of the time specified in the warrant or bond, a judge
 725 ~~or magistrate~~ may discharge the accused or may recommit him or
 726 her for a further period not to exceed 60 days, or a judge ~~or~~
 727 ~~magistrate judge~~ may again take bail for his or her appearance
 728 and surrender, as provided in s. 941.16, but within a period not
 729 to exceed 60 days after the date of such new bond.

730 Section 47. Section 941.18, Florida Statutes, is amended
 731 to read:

732 941.18 Forfeiture of bail.--If the prisoner is admitted to
 733 bail, and fails to appear and surrender himself or herself
 734 according to the conditions of his or her bond, the judge, ~~or~~
 735 ~~magistrate by proper order~~, shall declare the bond forfeited and
 736 order his or her immediate arrest without warrant if he or she
 737 is ~~be~~ within this state. Recovery may be had on such bond in the
 738 name of the state as in the case of other bonds given by the
 739 accused in criminal proceedings within this state.

740 Section 48. Subsection (2) of section 947.141, Florida
 741 Statutes, is amended to read:

742 947.141 Violations of conditional release, control
 743 release, or conditional medical release or addiction-recovery
 744 supervision.--

745 (2) Upon the arrest on a felony charge of an offender who
 746 is on release supervision under s. 947.1405, s. 947.146, s.

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747 947.149, or s. 944.4731, the offender must be detained without
 748 bond until the initial appearance of the offender at which a
 749 judicial determination of probable cause is made. If the trial
 750 court judge ~~magistrate~~ determines that there was no probable
 751 cause for the arrest, the offender may be released. If the trial
 752 court judge ~~magistrate~~ determines that there was probable cause
 753 for the arrest, such determination also constitutes reasonable
 754 grounds to believe that the offender violated the conditions of
 755 the release. Within 24 hours after the trial court judge's
 756 ~~magistrate's~~ finding of probable cause, the detention facility
 757 administrator or designee shall notify the commission and the
 758 department of the finding and transmit to each a facsimile copy
 759 of the probable cause affidavit or the sworn offense report upon
 760 which the trial court judge's ~~magistrate's~~ probable cause
 761 determination is based. The offender must continue to be
 762 detained without bond for a period not exceeding 72 hours
 763 excluding weekends and holidays after the date of the probable
 764 cause determination, pending a decision by the commission
 765 whether to issue a warrant charging the offender with violation
 766 of the conditions of release. Upon the issuance of the
 767 commission's warrant, the offender must continue to be held in
 768 custody pending a revocation hearing held in accordance with
 769 this section.

770 Section 49. Subsection (1) of section 948.06, Florida
 771 Statutes, is amended to read:

772 948.06 Violation of probation or community control;
 773 revocation; modification; continuance; failure to pay
 774 restitution or cost of supervision.--

775 (1) Whenever within the period of probation or community
 776 control there are reasonable grounds to believe that a

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777 probationer or offender in community control has violated his or
 778 her probation or community control in a material respect, any
 779 law enforcement officer who is aware of the probationary or
 780 community control status of the probationer or offender in
 781 community control or any parole or probation supervisor may
 782 arrest or request any county or municipal law enforcement
 783 officer to arrest such probationer or offender without warrant
 784 wherever found and forthwith return him or her to the court
 785 granting such probation or community control. Any committing
 786 trial court judge ~~magistrate~~ may issue a warrant, upon the facts
 787 being made known to him or her by affidavit of one having
 788 knowledge of such facts, for the arrest of the probationer or
 789 offender, returnable forthwith before the court granting such
 790 probation or community control. Any parole or probation
 791 supervisor, any officer authorized to serve criminal process, or
 792 any peace officer of this state is authorized to serve and
 793 execute such warrant. Upon the filing of an affidavit alleging a
 794 violation of probation or community control and following
 795 issuance of a warrant under s. 901.02, the probationary period
 796 is tolled until the court enters a ruling on the violation.
 797 Notwithstanding the tolling of probation as provided in this
 798 subsection, the court shall retain jurisdiction over the
 799 offender for any violation of the conditions of probation or
 800 community control that is alleged to have occurred during the
 801 tolling period. The probation officer is permitted to continue
 802 to supervise any offender who remains available to the officer
 803 for supervision until the supervision expires pursuant to the
 804 order of probation or community control or until the court
 805 revokes or terminates the probation or community control,
 806 whichever comes first. The court, upon the probationer or

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807 offender being brought before it, shall advise him or her of
808 such charge of violation and, if such charge is admitted to be
809 true, may forthwith revoke, modify, or continue the probation or
810 community control or place the probationer into a community
811 control program. If probation or community control is revoked,
812 the court shall adjudge the probationer or offender guilty of
813 the offense charged and proven or admitted, unless he or she has
814 previously been adjudged guilty, and impose any sentence which
815 it might have originally imposed before placing the probationer
816 on probation or the offender into community control. If such
817 violation of probation or community control is not admitted by
818 the probationer or offender, the court may commit him or her or
819 release him or her with or without bail to await further
820 hearing, or it may dismiss the charge of probation or community
821 control violation. If such charge is not at that time admitted
822 by the probationer or offender and if it is not dismissed, the
823 court, as soon as may be practicable, shall give the probationer
824 or offender an opportunity to be fully heard on his or her
825 behalf in person or by counsel. After such hearing, the court
826 may revoke, modify, or continue the probation or community
827 control or place the probationer into community control. If such
828 probation or community control is revoked, the court shall
829 adjudge the probationer or offender guilty of the offense
830 charged and proven or admitted, unless he or she has previously
831 been adjudged guilty, and impose any sentence which it might
832 have originally imposed before placing the probationer or
833 offender on probation or into community control. Notwithstanding
834 s. 775.082, when a period of probation or community control has
835 been tolled, upon revocation or modification of the probation or
836 community control, the court may impose a sanction with a term

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837 that when combined with the amount of supervision served and
 838 tolled, exceeds the term permissible pursuant to s. 775.082 for
 839 a term up to the amount of the tolled period supervision. If the
 840 court dismisses an affidavit alleging a violation of probation
 841 or community control, the offender's probation or community
 842 control shall continue as previously imposed, and the offender
 843 shall receive credit for all tolled time against his or her term
 844 of probation or community control.

845 Section 50. Paragraph (b) of subsection (4) of section
 846 985.05, Florida Statutes, is amended to read:

847 985.05 Court records.--

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

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

855 Section 51. Section 56.071, Florida Statutes, is amended
 856 to read:

857 56.071 Executions on equities of redemption; discovery of
 858 value.--On motion made by the party causing a levy to be made on
 859 an equity of redemption, the court from which the execution
 860 issued shall order the mortgagor, mortgagee, and all other
 861 persons interested in the mortgaged property levied on to appear
 862 and be examined about the amount remaining due on the mortgage,
 863 the amount that has been paid, the party to whom that amount has
 864 been paid, and the date when that amount was paid ~~to whom and~~
 865 ~~when paid~~ so that the value of the equity of redemption may be
 866 ascertained before the property ~~it~~ is sold. The court may

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867 appoint a general or special magistrate ~~master~~ to conduct the
 868 examination. This section shall also apply to the interest of
 869 and personal property in possession of a vendee under a retained
 870 title contract or conditional sales contract.

871 Section 52. Subsections (2), (7), and (10) of section
 872 56.29, Florida Statutes, are amended to read:

873 56.29 Proceedings supplementary.--

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

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

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

889 Section 53. Subsection (4) of section 61.1826, Florida
 890 Statutes, is amended to read:

891 61.1826 Procurement of services for State Disbursement
 892 Unit and the non-Title IV-D component of the State Case
 893 Registry; contracts and cooperative agreements; penalties;
 894 withholding payment.--

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

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897 department, and cooperative agreements entered into by the
 898 depositories and the department, must contain, but are not
 899 limited to, the following terms:

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

905 (b) The duties and responsibilities of the Florida
 906 Association of Court Clerks, the depositories, and the
 907 department.

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

914 (d) All providers and subcontractors shall submit to the
 915 department directly, or through the Florida Association of Court
 916 Clerks, management reports in a format prescribed by the
 917 department.

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

920 (f) Federal financial participation for eligible Title IV-
 921 D expenditures incurred by the Florida Association of Court
 922 Clerks and the depositories shall be at the maximum level
 923 permitted by federal law for expenditures incurred for the
 924 provision of services in support of child support enforcement in
 925 accordance with 45 C.F.R. part 74 and Federal Office of
 926 Management and Budget Circulars A-87 and A-122 and based on an

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927 annual cost allocation study of each depository. The
 928 depositories shall submit directly, or through the Florida
 929 Association of Court Clerks, claims for Title IV-D expenditures
 930 monthly to the department in a standardized format as prescribed
 931 by the department. The Florida Association of Court Clerks shall
 932 contract with a certified public accounting firm, selected by
 933 the Florida Association of Court Clerks and the department, to
 934 audit and certify quarterly to the department all claims for
 935 expenditures submitted by the depositories for Title IV-D
 936 reimbursement.

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

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

944
 945 If either the department or the Florida Association of Court
 946 Clerks objects to a term of the standard cooperative agreement
 947 or contract specified in subsections (2) and (3), the disputed
 948 term or terms shall be presented jointly by the parties to the
 949 Attorney General or the Attorney General's designee, who shall
 950 act as special magistrate ~~master~~. The special magistrate ~~master~~
 951 shall resolve the dispute in writing within 10 days. The
 952 resolution of a dispute by the special magistrate ~~master~~ is
 953 binding on the department and the Florida Association of Court
 954 Clerks.

955 Section 54. Section 64.061, Florida Statutes, is amended
 956 to read:

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957 64.061 Partition of property; commissioners; special
 958 magistrate ~~master~~.--

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

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

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

983 (4) APPOINTMENT OF SPECIAL MAGISTRATE ~~MASTER~~ WHERE
 984 PROPERTY NOT SUBJECT TO PARTITION.--On an uncontested allegation
 985 in a pleading that the property sought to be partitioned is
 986 indivisible and is not subject to partition without prejudice to

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987 the owners of it or if a judgment of partition is entered and
 988 the court is satisfied that the allegation is correct, on motion
 989 of any party and notice to the others the court may appoint a
 990 special magistrate ~~master~~ or the clerk to make sale of the
 991 property either at private sale or as provided by s. 64.071.

992 Section 55. Subsection (5) of section 65.061, Florida
 993 Statutes, is amended to read:

994 65.061 Quieting title; additional remedy.--

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

999 Section 56. Section 69.051, Florida Statutes, is amended
 1000 to read:

1001 69.051 General and special magistrates ~~Masters in~~
 1002 ~~chancery~~; compensation.--General and special magistrates
 1003 appointed by the court ~~Masters in chancery~~ shall be allowed such
 1004 compensation for any services as the court deems reasonable,
 1005 including time consumed in legal research required in preparing
 1006 and summarizing their findings of fact and law.

1007 Section 57. Section 70.51, Florida Statutes, is amended to
 1008 read:

1009 70.51 Land use and environmental dispute resolution.--

1010 (1) This section may be cited as the "Florida Land Use and
 1011 Environmental Dispute Resolution Act."

1012 (2) As used in this section, the term:

1013 (a) "Development order" means any order, or notice of
 1014 proposed state or regional governmental agency action, which is
 1015 or will have the effect of granting, denying, or granting with
 1016 conditions an application for a development permit, and includes

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1017 the rezoning of a specific parcel. Actions by the state or a
 1018 local government on comprehensive plan amendments are not
 1019 development orders.

1020 (b) "Development permit" means any building permit, zoning
 1021 permit, subdivision approval, certification, special exception,
 1022 variance, or any other similar action of local government, as
 1023 well as any permit authorized to be issued under state law by
 1024 state, regional, or local government which has the effect of
 1025 authorizing the development of real property including, but not
 1026 limited to, programs implementing chapters 125, 161, 163, 166,
 1027 187, 258, 372, 373, 378, 380, and 403.

1028 (c) "Special magistrate ~~master~~" means a person selected by
 1029 the parties to perform the duties prescribed in this section.
 1030 The special magistrate ~~master~~ must be a resident of the state
 1031 and possess experience and expertise in mediation and at least
 1032 one of the following disciplines and a working familiarity with
 1033 the others: land use and environmental permitting, land
 1034 planning, land economics, local and state government
 1035 organization and powers, and the law governing the same.

1036 (d) "Owner" means a person with a legal or equitable
 1037 interest in real property who filed an application for a
 1038 development permit for the property at the state, regional, or
 1039 local level and who received a development order, or who holds
 1040 legal title to real property that is subject to an enforcement
 1041 action of a governmental entity.

1042 (e) "Proposed use of the property" means the proposal
 1043 filed by the owner to develop his or her real property.

1044 (f) "Governmental entity" includes an agency of the state,
 1045 a regional or a local government created by the State
 1046 Constitution or by general or special act, any county or

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1047 municipality, or any other entity that independently exercises
 1048 governmental authority. The term does not include the United
 1049 States or any of its agencies.

1050 (g) "Land" or "real property" means land and includes any
 1051 appurtenances and improvements to the land, including any other
 1052 relevant real property in which the owner had a relevant
 1053 interest.

1054 (3) Any owner who believes that a development order,
 1055 either separately or in conjunction with other development
 1056 orders, or an enforcement action of a governmental entity, is
 1057 unreasonable or unfairly burdens the use of the owner's real
 1058 property, may apply within 30 days after receipt of the order or
 1059 notice of the governmental action for relief under this section.

1060 (4) To initiate a proceeding under this section, an owner
 1061 must file a request for relief with the elected or appointed
 1062 head of the governmental entity that issued the development
 1063 order or orders, or that initiated the enforcement action. The
 1064 head of the governmental entity may not charge the owner for the
 1065 request for relief and must forward the request for relief to
 1066 the special magistrate ~~master~~ who is mutually agreed upon by the
 1067 owner and the governmental entity within 10 days after receipt
 1068 of the request.

1069 (5) The governmental entity with whom a request has been
 1070 filed shall also serve a copy of the request for relief by
 1071 United States mail or by hand delivery to:

1072 (a) Owners of real property contiguous to the owner's
 1073 property at the address on the latest county tax roll.

1074 (b) Any substantially affected party who submitted oral or
 1075 written testimony, sworn or unsworn, of a substantive nature
 1076 which stated with particularity objections to or support for any

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1077 development order at issue or enforcement action at issue.
 1078 Notice under this paragraph is required only if that party
 1079 indicated a desire to receive notice of any subsequent special
 1080 magistrate ~~master~~ proceedings occurring on the development order
 1081 or enforcement action. Each governmental entity must maintain in
 1082 its files relating to particular development orders a mailing
 1083 list of persons who have presented oral or written testimony and
 1084 who have requested notice.

1085 (6) The request for relief must contain:

1086 (a) A brief statement of the owner's proposed use of the
 1087 property.

1088 (b) A summary of the development order or description of
 1089 the enforcement action. A copy of the development order or the
 1090 documentation of an enforcement action at issue must be attached
 1091 to the request.

1092 (c) A brief statement of the impact of the development
 1093 order or enforcement action on the ability of the owner to
 1094 achieve the proposed use of the property.

1095 (d) A certificate of service showing the parties,
 1096 including the governmental entity, served.

1097 (7) The special magistrate ~~master~~ may require other
 1098 information in the interest of gaining a complete understanding
 1099 of the request for relief.

1100 (8) The special magistrate ~~master~~ may conduct a hearing on
 1101 whether the request for relief should be dismissed for failing
 1102 to include the information required in subsection (6). If the
 1103 special magistrate ~~master~~ dismisses the case, the special
 1104 magistrate ~~master~~ shall allow the owner to amend the request and
 1105 refile. Failure to file an adequate amended request within the

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1106 time specified shall result in a dismissal with prejudice as to
 1107 this proceeding.

1108 (9) By requesting relief under this section, the owner
 1109 consents to grant the special magistrate ~~master~~ and the parties
 1110 reasonable access to the real property with advance notice at a
 1111 time and in a manner acceptable to the owner of the real
 1112 property.

1113 (10)(a) Before initiating a special magistrate ~~master~~
 1114 proceeding to review a local development order or local
 1115 enforcement action, the owner must exhaust all nonjudicial local
 1116 government administrative appeals if the appeals take no longer
 1117 than 4 months. Once nonjudicial local administrative appeals
 1118 are exhausted and the development order or enforcement action is
 1119 final, or within 4 months after issuance of the development
 1120 order or notice of the enforcement action if the owner has
 1121 pursued local administrative appeals even if the appeals have
 1122 not been concluded, the owner may initiate a proceeding under
 1123 this section. Initiation of a proceeding tolls the time for
 1124 seeking judicial review of a local government development order
 1125 or enforcement action until the special magistrate's ~~master's~~
 1126 recommendation is acted upon by the local government. Election
 1127 by the owner to file for judicial review of a local government
 1128 development order or enforcement action prior to initiating a
 1129 proceeding under this section waives any right to a special
 1130 magistrate ~~master~~ proceeding.

1131 (b) If an owner requests ~~special-master~~ relief under this
 1132 section from a development order or enforcement action issued by
 1133 a state or regional agency, the time for challenging agency
 1134 action under ss. 120.569 and 120.57 is tolled. If an owner
 1135 chooses to bring a proceeding under ss. 120.569 and 120.57

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1136 before initiating a ~~special-master~~ proceeding under this
 1137 section, then the owner waives any right to a special magistrate
 1138 ~~master~~ proceeding unless all parties consent to proceeding to
 1139 mediation.

1140 (11) The initial party to the proceeding is the
 1141 governmental entity that issues the development order to the
 1142 owner or that is taking the enforcement action. In those
 1143 instances when the development order or enforcement action is
 1144 the culmination of a process involving more than one
 1145 governmental entity or when a complete resolution of all
 1146 relevant issues would require the active participation of more
 1147 than one governmental entity, the special magistrate ~~master~~ may,
 1148 upon application of a party, join those governmental entities as
 1149 parties to the proceeding if it will assist in effecting the
 1150 purposes of this section, and those governmental entities so
 1151 joined shall actively participate in the procedure.

1152 (12) Within 21 days after receipt of the request for
 1153 relief, any owner of land contiguous to the owner's property and
 1154 any substantially affected person who submitted oral or written
 1155 testimony, sworn or unsworn, of a substantive nature which
 1156 stated with particularity objections to or support for the
 1157 development order or enforcement action at issue may request to
 1158 participate in the proceeding. Those persons may be permitted to
 1159 participate in the hearing but shall not be granted party or
 1160 intervenor status. The participation of such persons is limited
 1161 to addressing issues raised regarding alternatives, variances,
 1162 and other types of adjustment to the development order or
 1163 enforcement action which may impact their substantial interests,
 1164 including denial of the development order or application of an
 1165 enforcement action.

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1166 (13) Each party must make efforts to assure that those
1167 persons qualified by training or experience necessary to address
1168 issues raised by the request or by the special magistrate ~~master~~
1169 and further qualified to address alternatives, variances, and
1170 other types of modifications to the development order or
1171 enforcement action are present at the hearing.

1172 (14) The special magistrate ~~master~~ may subpoena any
1173 nonparty witnesses in the state whom the special magistrate
1174 ~~master~~ believes will aid in the disposition of the matter.

1175 (15)(a) The special magistrate ~~master~~ shall hold a hearing
1176 within 45 days after his or her receipt of the request for
1177 relief unless a different date is agreed to by all the parties.
1178 The hearing must be held in the county in which the property is
1179 located.

1180 (b) The special magistrate ~~master~~ must provide notice of
1181 the place, date, and time of the hearing to all parties and any
1182 other persons who have requested such notice at least 40 days
1183 prior to the hearing.

1184 (16)(a) Fifteen days following the filing of a request for
1185 relief, the governmental entity that issued the development
1186 order or that is taking the enforcement action shall file a
1187 response to the request for relief with the special magistrate
1188 ~~master~~ together with a copy to the owner. The response must set
1189 forth in reasonable detail the position of the governmental
1190 entity regarding the matters alleged by the owner. The response
1191 must include a brief statement explaining the public purpose of
1192 the regulations on which the development order or enforcement
1193 action is based.

1194 (b) Any governmental entity that is added by the special
1195 magistrate ~~master~~ as a party must file a response to the request

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1196 for relief prior to the hearing but not later than 15 days
 1197 following its admission.

1198 (c) Any party may incorporate in the response to the
 1199 request for relief a request to be dropped from the proceeding.

1200 The request to be dropped must set forth facts and
 1201 circumstances relevant to aid the special magistrate ~~master~~ in
 1202 ruling on the request. All requests to be dropped must be
 1203 disposed of prior to conducting any hearings on the merits of
 1204 the request for relief.

1205 (17) In all respects, the hearing must be informal and
 1206 open to the public and does not require the use of an attorney.
 1207 The hearing must operate at the direction and under the
 1208 supervision of the special magistrate ~~master~~. The object of the
 1209 hearing is to focus attention on the impact of the governmental
 1210 action giving rise to the request for relief and to explore
 1211 alternatives to the development order or enforcement action and
 1212 other regulatory efforts by the governmental entities in order
 1213 to recommend relief, when appropriate, to the owner.

1214 (a) The first responsibility of the special magistrate
 1215 ~~master~~ is to facilitate a resolution of the conflict between the
 1216 owner and governmental entities to the end that some
 1217 modification of the owner's proposed use of the property or
 1218 adjustment in the development order or enforcement action or
 1219 regulatory efforts by one or more of the governmental parties
 1220 may be reached. Accordingly, the special magistrate ~~master~~ shall
 1221 act as a facilitator or mediator between the parties in an
 1222 effort to effect a mutually acceptable solution. The parties
 1223 shall be represented at the mediation by persons with authority
 1224 to bind their respective parties to a solution, or by persons

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1225 with authority to recommend a solution directly to the persons
 1226 with authority to bind their respective parties to a solution.

1227 (b) If an acceptable solution is not reached by the
 1228 parties after the special magistrate's ~~master's~~ attempt at
 1229 mediation, the special magistrate ~~master~~ shall consider the
 1230 facts and circumstances set forth in the request for relief and
 1231 any responses and any other information produced at the hearing
 1232 in order to determine whether the action by the governmental
 1233 entity or entities is unreasonable or unfairly burdens the real
 1234 property.

1235 (c) In conducting the hearing, the special magistrate
 1236 ~~master~~ may hear from all parties and witnesses that are
 1237 necessary to an understanding of the matter. The special
 1238 magistrate ~~master~~ shall weigh all information offered at the
 1239 hearing.

1240 (18) The circumstances to be examined in determining
 1241 whether the development order or enforcement action, or the
 1242 development order or enforcement action in conjunction with
 1243 regulatory efforts of other governmental parties, is
 1244 unreasonable or unfairly burdens use of the property may
 1245 include, but are not limited to:

1246 (a) The history of the real property, including when it
 1247 was purchased, how much was purchased, where it is located, the
 1248 nature of the title, the composition of the property, and how it
 1249 was initially used.

1250 (b) The history or development and use of the real
 1251 property, including what was developed on the property and by
 1252 whom, if it was subdivided and how and to whom it was sold,
 1253 whether plats were filed or recorded, and whether infrastructure

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1254 and other public services or improvements may have been
 1255 dedicated to the public.

1256 (c) The history of environmental protection and land use
 1257 controls and other regulations, including how and when the land
 1258 was classified, how use was proscribed, and what changes in
 1259 classifications occurred.

1260 (d) The present nature and extent of the real property,
 1261 including its natural and altered characteristics.

1262 (e) The reasonable expectations of the owner at the time
 1263 of acquisition, or immediately prior to the implementation of
 1264 the regulation at issue, whichever is later, under the
 1265 regulations then in effect and under common law.

1266 (f) The public purpose sought to be achieved by the
 1267 development order or enforcement action, including the nature
 1268 and magnitude of the problem addressed by the underlying
 1269 regulations on which the development order or enforcement action
 1270 is based; whether the development order or enforcement action is
 1271 necessary to the achievement of the public purpose; and whether
 1272 there are alternative development orders or enforcement action
 1273 conditions that would achieve the public purpose and allow for
 1274 reduced restrictions on the use of the property.

1275 (g) Uses authorized for and restrictions placed on similar
 1276 property.

1277 (h) Any other information determined relevant by the
 1278 special magistrate ~~master~~.

1279 (19) Within 14 days after the conclusion of the hearing,
 1280 the special magistrate ~~master~~ shall prepare and file with all
 1281 parties a written recommendation.

1282 (a) If the special magistrate ~~master~~ finds that the
 1283 development order at issue, or the development order or

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1284 enforcement action in combination with the actions or
 1285 regulations of other governmental entities, is not unreasonable
 1286 or does not unfairly burden the use of the owner's property, the
 1287 special magistrate ~~master~~ must recommend that the development
 1288 order or enforcement action remain undisturbed and the
 1289 proceeding shall end, subject to the owner's retention of all
 1290 other available remedies.

1291 (b) If the special magistrate ~~master~~ finds that the
 1292 development order or enforcement action, or the development
 1293 order or enforcement action in combination with the actions or
 1294 regulations of other governmental entities, is unreasonable or
 1295 unfairly burdens use of the owner's property, the special
 1296 magistrate ~~master~~, with the owner's consent to proceed, may
 1297 recommend one or more alternatives that protect the public
 1298 interest served by the development order or enforcement action
 1299 and regulations at issue but allow for reduced restraints on the
 1300 use of the owner's real property, including, but not limited to:

- 1301 1. An adjustment of land development or permit standards
- 1302 or other provisions controlling the development or use of land.
- 1303 2. Increases or modifications in the density, intensity,
- 1304 or use of areas of development.
- 1305 3. The transfer of development rights.
- 1306 4. Land swaps or exchanges.
- 1307 5. Mitigation, including payments in lieu of onsite
- 1308 mitigation.
- 1309 6. Location on the least sensitive portion of the
- 1310 property.
- 1311 7. Conditioning the amount of development or use
- 1312 permitted.

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1313 8. A requirement that issues be addressed on a more
1314 comprehensive basis than a single proposed use or development.

1315 9. Issuance of the development order, a variance, special
1316 exception, or other extraordinary relief, including withdrawal
1317 of the enforcement action.

1318 10. Purchase of the real property, or an interest therein,
1319 by an appropriate governmental entity.

1320 (c) This subsection does not prohibit the owner and
1321 governmental entity from entering in to an agreement as to the
1322 permissible use of the property prior to the special magistrate
1323 ~~master~~ entering a recommendation. An agreement for a
1324 permissible use must be incorporated in the special magistrate's
1325 ~~master's~~ recommendation.

1326 (20) The special magistrate's ~~master's~~ recommendation is a
1327 public record under chapter 119. However, actions or statements
1328 of all participants to the special magistrate ~~master~~ proceeding
1329 are evidence of an offer to compromise and inadmissible in any
1330 proceeding, judicial or administrative.

1331 (21) Within 45 days after receipt of the special
1332 magistrate's ~~master's~~ recommendation, the governmental entity
1333 responsible for the development order or enforcement action and
1334 other governmental entities participating in the proceeding must
1335 consult among themselves and each governmental entity must:

1336 (a) Accept the recommendation of the special magistrate
1337 ~~master~~ as submitted and proceed to implement it by development
1338 agreement, when appropriate, or by other method, in the ordinary
1339 course and consistent with the rules and procedures of that
1340 governmental entity. However, the decision of the governmental
1341 entity to accept the recommendation of the special magistrate
1342 ~~master~~ with respect to granting a modification, variance, or

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1343 special exception to the application of statutes, rules,
 1344 regulations, or ordinances as they would otherwise apply to the
 1345 subject property does not require an owner to duplicate previous
 1346 processes in which the owner has participated in order to
 1347 effectuate the granting of the modification, variance, or
 1348 special exception;

1349 (b) Modify the recommendation as submitted by the special
 1350 magistrate ~~master~~ and proceed to implement it by development
 1351 agreement, when appropriate, or by other method, in the ordinary
 1352 course and consistent with the rules and procedures of that
 1353 governmental entity; or

1354 (c) Reject the recommendation as submitted by the special
 1355 magistrate ~~master~~. Failure to act within 45 days is a rejection
 1356 unless the period is extended by agreement of the owner and
 1357 issuer of the development order or enforcement action.

1358 (22) If a governmental entity accepts the special
 1359 magistrate's ~~master's~~ recommendation or modifies it and the
 1360 owner rejects the acceptance or modification, or if a
 1361 governmental entity rejects the special magistrate's ~~master's~~
 1362 recommendation, the governmental entity must issue a written
 1363 decision within 30 days that describes as specifically as
 1364 possible the use or uses available to the subject real property.

1365 (23) The procedure established by this section may not
 1366 continue longer than 165 days, unless the period is extended by
 1367 agreement of the parties. A decision describing available uses
 1368 constitutes the last prerequisite to judicial action and the
 1369 matter is ripe or final for subsequent judicial proceedings
 1370 unless the owner initiates a proceeding under ss. 120.569 and
 1371 120.57. If the owner brings a proceeding under ss. 120.569 and

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1372 120.57, the matter is ripe when the proceeding culminates in a
 1373 final order whether further appeal is available or not.

1374 (24) The procedure created by this section is not itself,
 1375 nor does it create, a judicial cause of action. Once the
 1376 governmental entity acts on the special magistrate's ~~master's~~
 1377 recommendation, the owner may elect to file suit in a court of
 1378 competent jurisdiction. Invoking the procedures of this section
 1379 is not a condition precedent to filing a civil action.

1380 (25) Regardless of the action the governmental entity
 1381 takes on the special magistrate's ~~master's~~ recommendation, a
 1382 recommendation that the development order or enforcement action,
 1383 or the development order or enforcement action in combination
 1384 with other governmental regulatory actions, is unreasonable or
 1385 unfairly burdens use of the owner's real property may serve as
 1386 an indication of sufficient hardship to support modification,
 1387 variances, or special exceptions to the application of statutes,
 1388 rules, regulations, or ordinances to the subject property.

1389 (26) A special magistrate's ~~master's~~ recommendation under
 1390 this section constitutes data in support of, and a support
 1391 document for, a comprehensive plan or comprehensive plan
 1392 amendment, but is not, in and of itself, dispositive of a
 1393 determination of compliance with chapter 163. Any comprehensive
 1394 plan amendment necessary to carry out the approved
 1395 recommendation of a special magistrate ~~master~~ under this section
 1396 is exempt from the twice-a-year limit on plan amendments and may
 1397 be adopted by the local government amendments in s.
 1398 163.3184(16)(d).

1399 (27) The special magistrate ~~master~~ shall send a copy of
 1400 the recommendation in each case to the Department of Legal
 1401 Affairs. Each governmental entity, within 15 days after its

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1402 action on the special magistrate's ~~master's~~ recommendation,
 1403 shall notify the Department of Legal Affairs in writing as to
 1404 what action the governmental entity took on the special
 1405 magistrate's ~~master's~~ recommendation.

1406 (28) Each governmental entity may establish procedural
 1407 guidelines to govern the conduct of proceedings authorized by
 1408 this section, which must include, but are not limited to,
 1409 payment of special magistrate ~~master~~ fees and expenses,
 1410 including the costs of providing notice and effecting service of
 1411 the request for relief under this section, which shall be borne
 1412 equally by the governmental entities and the owner.

1413 (29) This section shall be liberally construed to effect
 1414 fully its obvious purposes and intent, and governmental entities
 1415 shall direct all available resources and authorities to effect
 1416 fully the obvious purposes and intent of this section in
 1417 resolving disputes. Governmental entities are encouraged to
 1418 expedite notice and time-related provisions to implement
 1419 resolution of disputes under this section. The procedure
 1420 established by this section may be used to resolve disputes in
 1421 pending judicial proceedings, with the agreement of the parties
 1422 to the judicial proceedings, and subject to the approval of the
 1423 court in which the judicial proceedings are pending. The
 1424 provisions of this section are cumulative, and do not supplant
 1425 other methods agreed to by the parties and lawfully available
 1426 for arbitration, mediation, or other forms of alternative
 1427 dispute resolution.

1428 (30) This section applies only to development orders
 1429 issued, modified, or amended, or to enforcement actions issued,
 1430 on or after October 1, 1995.

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1431 Section 58. Subsection (1) of section 92.142, Florida
 1432 Statutes, is amended to read:

1433 92.142 Witnesses; pay.--

1434 (1) Witnesses in all cases, civil and criminal, in all
 1435 courts, now or hereafter created, and witnesses summoned before
 1436 any arbitrator or general or special magistrate appointed by the
 1437 court ~~master in chancery~~ shall receive for each day's actual
 1438 attendance \$5 and also 6 cents per mile for actual distance
 1439 traveled to and from the courts. A witness in a criminal case
 1440 required to appear in a county other than the county of his or
 1441 her residence and residing more than 50 miles from the location
 1442 of the trial shall be entitled to per diem and travel expenses
 1443 at the same rate provided for state employees under s. 112.061,
 1444 in lieu of any other witness fee at the discretion of the court.

1445 Section 59. Section 112.41, Florida Statutes, is amended
 1446 to read:

1447 112.41 Contents of order of suspension; Senate select
 1448 committee; special magistrate ~~examiner~~.--

1449 (1) The order of the Governor, in suspending any officer
 1450 pursuant to the provisions of s. 7, Art. IV of the State
 1451 Constitution, shall specify facts sufficient to advise both the
 1452 officer and the Senate as to the charges made or the basis of
 1453 the suspension.

1454 (2) The Senate shall conduct a hearing in the manner
 1455 prescribed by rules of the Senate adopted for this purpose.

1456 (3) The Senate may provide for a select committee to be
 1457 appointed by the Senate in accordance with its rules for the
 1458 purpose of hearing the evidence and making its recommendation to
 1459 the Senate as to the removal or reinstatement of the suspended
 1460 officer.

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1461 (4) The Senate may, in lieu of the use of a select
 1462 committee, appoint a ~~special examiner or a~~ special magistrate
 1463 ~~master~~ to receive the evidence and make recommendations to the
 1464 Senate.

1465 Section 60. Section 112.43, Florida Statutes, is amended
 1466 to read:

1467 112.43 Prosecution of suspension before Senate.--All
 1468 suspensions heard by the Senate, a select committee, or special
 1469 magistrate ~~master, or examiner~~ in accordance with rules of the
 1470 Senate shall be prosecuted by the Governor, the Governor's legal
 1471 staff, or an attorney designated by the Governor. Should the
 1472 Senate, or the select committee appointed by the Senate to hear
 1473 the evidence and to make recommendations, desire private
 1474 counsel, either the Senate or the select committee shall be
 1475 entitled to employ its own counsel for this purpose. Nothing
 1476 herein shall prevent the Senate or its select committee from
 1477 making its own investigation and presenting such evidence as its
 1478 investigation may reveal. The Governor may request the advice of
 1479 the Department of Legal Affairs relative to the suspension order
 1480 prior to its issuance by the Governor. Following the issuance of
 1481 the suspension order, either the Senate or the select committee
 1482 may request the Department of Legal Affairs to provide counsel
 1483 for the Senate to advise on questions of law or otherwise advise
 1484 with the Senate or the select committee, but the Department of
 1485 Legal Affairs shall not be required to prosecute before the
 1486 Senate or the committee and shall, pursuant to the terms of this
 1487 section, act as the legal adviser only.

1488 Section 61. Section 112.47, Florida Statutes, is amended
 1489 to read:

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1490 112.47 Hearing before Senate select committee;
 1491 notice.--The Senate shall afford each suspended official a
 1492 hearing before a select committee or special magistrate, ~~master,~~
 1493 ~~or examiner,~~ and shall notify such suspended official of the
 1494 time and place of the hearing sufficiently in advance thereof to
 1495 afford such official an opportunity fully and adequately to
 1496 prepare such defenses as the official may be advised are
 1497 necessary and proper, and all such defenses may be presented by
 1498 the official or by the official's attorney. In the furtherance
 1499 of this provision the Senate shall adopt sufficient procedural
 1500 rules to afford due process both to the Governor in the
 1501 presentation of his or her evidence and to the suspended
 1502 official, but in the absence of such adoption, this section
 1503 shall afford a full and complete hearing, public in nature, as
 1504 required by the State Constitution. However, nothing in this
 1505 part shall prevent either the select committee or the Senate
 1506 from conducting portions of the hearing in executive session if
 1507 the Senate rules so provide.

1508 Section 62. Subsection (2) of section 162.03, Florida
 1509 Statutes, is amended to read:

1510 162.03 Applicability.--

1511 (2) A charter county, a noncharter county, or a
 1512 municipality may, by ordinance, adopt an alternate code
 1513 enforcement system that ~~which~~ gives code enforcement boards or
 1514 special magistrates ~~masters~~ designated by the local governing
 1515 body, or both, the authority to hold hearings and assess fines
 1516 against violators of the respective county or municipal codes
 1517 and ordinances. A special magistrate ~~master~~ shall have the same
 1518 status as an enforcement board under this chapter. References in

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1519 this chapter to an enforcement board, except in s. 162.05, shall
 1520 include a special magistrate ~~master~~ if the context permits.

1521 Section 63. Subsection (5) of section 162.06, Florida
 1522 Statutes, is amended to read:

1523 162.06 Enforcement procedure.--

1524 (5) If the owner of property that ~~which~~ is subject to an
 1525 enforcement proceeding before an enforcement board, special
 1526 magistrate ~~master~~, or court transfers ownership of such property
 1527 between the time the initial pleading was served and the time of
 1528 the hearing, such owner shall:

1529 (a) Disclose, in writing, the existence and the nature of
 1530 the proceeding to the prospective transferee.

1531 (b) Deliver to the prospective transferee a copy of the
 1532 pleadings, notices, and other materials relating to the code
 1533 enforcement proceeding received by the transferor.

1534 (c) Disclose, in writing, to the prospective transferee
 1535 that the new owner will be responsible for compliance with the
 1536 applicable code and with orders issued in the code enforcement
 1537 proceeding.

1538 (d) File a notice with the code enforcement official of
 1539 the transfer of the property, with the identity and address of
 1540 the new owner and copies of the disclosures made to the new
 1541 owner, within 5 days after the date of the transfer.

1542
 1543 A failure to make the disclosures described in paragraphs (a),
 1544 (b), and (c) before the transfer creates a rebuttable
 1545 presumption of fraud. If the property is transferred before the
 1546 hearing, the proceeding shall not be dismissed, but the new
 1547 owner shall be provided a reasonable period of time to correct
 1548 the violation before the hearing is held.

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1549 Section 64. Paragraph (d) of subsection (2) of section
 1550 162.09, Florida Statutes, is amended to read:

1551 162.09 Administrative fines; costs of repair; liens.--
 1552 (2)

1553 (d) A county or a municipality having a population equal
 1554 to or greater than 50,000 may adopt, by a vote of at least a
 1555 majority plus one of the entire governing body of the county or
 1556 municipality, an ordinance that gives code enforcement boards or
 1557 special magistrates ~~masters~~, or both, authority to impose fines
 1558 in excess of the limits set forth in paragraph(a). Such fines
 1559 shall not exceed \$1,000 per day per violation for a first
 1560 violation, \$5,000 per day per violation for a repeat violation,
 1561 and up to \$15,000 per violation if the code enforcement board or
 1562 special magistrate ~~master~~ finds the violation to be irreparable
 1563 or irreversible in nature. In addition to such fines, a code
 1564 enforcement board or special magistrate ~~master~~ may impose
 1565 additional fines to cover all costs incurred by the local
 1566 government in enforcing its codes and all costs of repairs
 1567 pursuant to subsection (1). Any ordinance imposing such fines
 1568 shall include criteria to be considered by the code enforcement
 1569 board or special magistrate ~~master~~ in determining the amount of
 1570 the fines, including, but not limited to, those factors set
 1571 forth in paragraph (b).

1572 Section 65. Section 173.09, Florida Statutes, is amended
 1573 to read:

1574 173.09 Judgment for complainant; special magistrate's
 1575 ~~master's~~ sale; complainant may purchase and later sell.--

1576 (1) Any such decree shall direct the special magistrate
 1577 ~~master~~ thereby appointed to sell the several parcels of land
 1578 separately to the highest and best bidder for cash (or, at the

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1579 option of complainant, to the extent of special assessments
 1580 included in such judgment, for bonds or interest coupons issued
 1581 by complainant), at public outcry at the courthouse door of the
 1582 county in which such suit is pending, or at such point or place
 1583 in the complainant municipality as the court in such final
 1584 decree may direct, after having advertised such sale (which
 1585 advertisement may include all lands so ordered sold) once each
 1586 week for 2 consecutive weeks in some newspaper published in the
 1587 municipality ~~city or town~~ in which ~~is~~ the complainant arose or,
 1588 if there is no such newspaper, in a newspaper published in the
 1589 county in which the suit is pending, and if all the lands so
 1590 advertised for sale be not sold on the day specified in such
 1591 advertisement, such sale shall be continued from day to day
 1592 until the sale of all such land is completed.

1593 (2) Such sales shall be subject to confirmation by the
 1594 court, and the ~~said~~ special magistrate ~~master~~ shall, upon
 1595 confirmation of the sale or sales, deliver to the purchaser or
 1596 purchasers at said sale a deed of conveyance of the property so
 1597 sold; provided, however, that in any case where any lands are
 1598 offered for sale by the special magistrate ~~master~~ and the sum of
 1599 the tax, tax certificates and special assessments, interest,
 1600 penalty, costs, and attorney's fee is not bid for the same, the
 1601 complainant may bid the whole amount due and the special
 1602 magistrate ~~master~~ shall thereupon convey such parcel or parcels
 1603 of land to the complainant.

1604 (3) The property so bid in by complainant shall become its
 1605 property in fee simple and may be disposed of by it in the
 1606 manner provided by law, except that in the sale or disposition
 1607 of any such lands the municipality ~~city or town~~ may, in its
 1608 discretion, accept in payment or part payment therefor any bonds

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1609 or interest coupons constituting liabilities of the municipality
 1610 ~~said city or town.~~

1611 Section 66. Section 173.10, Florida Statutes, is amended
 1612 to read:

1613 173.10 Judgment for complainant; court may order payment
 1614 of other taxes or sale subject to taxes; special magistrate's
 1615 ~~master's~~ conveyances.--

1616 (1) In the judgment or decree the court may, in its
 1617 discretion, direct the payment of all unpaid state and county
 1618 taxes and also all unpaid municipal ~~city or town~~ taxes and
 1619 special assessments or installments thereof, imposed or falling
 1620 due since the institution of the suit, with the penalties and
 1621 costs, out of the proceeds of such foreclosure sale, or it may
 1622 order and direct such sale or sales to be made subject to such
 1623 state, ~~and county,~~ and municipal ~~city or town~~ taxes and special
 1624 assessments.

1625 (2) Any and all conveyances by the special magistrate
 1626 ~~master~~ shall vest in the purchaser the fee simple title to the
 1627 property so sold, subject only to such liens for state and
 1628 county taxes or taxing districts whose liens are of equal
 1629 dignity, and liens for municipal taxes and special assessments,
 1630 or installments thereof, as are not directed by the decree of
 1631 sale to be paid out of the proceeds of said sale.

1632 Section 67. Section 173.11, Florida Statutes, is amended
 1633 to read:

1634 173.11 Distribution of proceeds of sale.--The proceeds of
 1635 any foreclosure sale authorized by this chapter shall be
 1636 distributed by the special magistrate ~~master~~ conducting the sale
 1637 according to the final decree, and if any surplus remains after
 1638 the payment of the full amount of the decree, costs and

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1639 attorney's fees, and any subsequent tax liens that ~~which~~ may be
 1640 directed by such decree to be paid from the proceeds of sale,
 1641 such surplus shall be deposited with the clerk of the court and
 1642 disbursed under order of the court.

1643 Section 68. Section 173.12, Florida Statutes, is amended
 1644 to read:

1645 173.12 Lands may be redeemed prior to sale.--Any person
 1646 interested in any lands included in the suit may redeem such
 1647 lands at any time prior to the sale thereof by the special
 1648 magistrate ~~master~~ by paying into the registry of the court the
 1649 amount due for delinquent taxes, interest and penalties thereon,
 1650 and such proportionate part of the expense, attorney's fees, and
 1651 costs of suit as may have been fixed by the court in its decree
 1652 of sale, or by written stipulation of complainant, and thereupon
 1653 such lands shall be dismissed from the cause.

1654 Section 69. Subsection (1) of section 194.013, Florida
 1655 Statutes, is amended to read:

1656 194.013 Filing fees for petitions; disposition; waiver.--

1657 (1) If so required by resolution of the value adjustment
 1658 board, a petition filed pursuant to s. 194.011 shall be
 1659 accompanied by a filing fee to be paid to the clerk of the value
 1660 adjustment board in an amount determined by the board not to
 1661 exceed \$15 for each separate parcel of property, real or
 1662 personal, covered by the petition and subject to appeal.
 1663 However, no such filing fee may be required with respect to an
 1664 appeal from the disapproval of homestead exemption under s.
 1665 196.151 or from the denial of tax deferral under s. 197.253.
 1666 Only a single filing fee shall be charged under this section as
 1667 to any particular parcel of property despite the existence of
 1668 multiple issues and hearings pertaining to such parcel. For

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1669 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a
 1670 single filing fee shall be charged. Such fee shall be calculated
 1671 as the cost of the special magistrate ~~master~~ for the time
 1672 involved in hearing the joint petition and shall not exceed \$5
 1673 per parcel. Said fee is to be proportionately paid by affected
 1674 parcel owners.

1675 Section 70. Paragraph (d) of subsection (1) and
 1676 subsections (2) and (6) of section 194.034, Florida Statutes,
 1677 are amended to read:

1678 194.034 Hearing procedures; rules.--

1679 (1)

1680 (d) Notwithstanding the provisions of this subsection, no
 1681 petitioner may present for consideration, nor may a board or
 1682 special magistrate ~~master~~ accept for consideration, testimony or
 1683 other evidentiary materials that were requested of the
 1684 petitioner in writing by the property appraiser of which the
 1685 petitioner had knowledge and denied to the property appraiser.

1686 (2) In each case, except when a complaint is withdrawn by
 1687 the petitioner or is acknowledged as correct by the property
 1688 appraiser, the value adjustment board shall render a written
 1689 decision. All such decisions shall be issued within 20 calendar
 1690 days after ~~of~~ the last day the board is in session under s.
 1691 194.032. The decision of the board shall contain findings of
 1692 fact and conclusions of law and shall include reasons for
 1693 upholding or overturning the determination of the property
 1694 appraiser. When a special magistrate ~~master~~ has been appointed,
 1695 the recommendations of the special magistrate ~~master~~ shall be
 1696 considered by the board. The clerk, upon issuance of the
 1697 decisions, shall, on a form provided by the Department of

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1698 Revenue, notify by first-class mail each taxpayer, the property
 1699 appraiser, and the department of the decision of the board.

1700 (6) For purposes of hearing joint petitions filed pursuant
 1701 to s. 194.011(3)(e), each included parcel shall be considered by
 1702 the board as a separate petition. Such separate petitions shall
 1703 be heard consecutively by the board. If a special magistrate
 1704 ~~master~~ is appointed, such separate petitions shall all be
 1705 assigned to the same special magistrate ~~master~~.

1706 Section 71. Section 194.035, Florida Statutes, is amended
 1707 to read:

1708 194.035 Special magistrates ~~masters~~; property
 1709 evaluators.--

1710 (1) In counties having a population of more than 75,000,
 1711 the board shall appoint special magistrates ~~masters~~ for the
 1712 purpose of taking testimony and making recommendations to the
 1713 board, which recommendations the board may act upon without
 1714 further hearing. These ~~Such~~ special magistrates ~~masters~~ may not
 1715 be elected or appointed officials or employees of the county but
 1716 shall be selected from a list of those qualified individuals who
 1717 are willing to serve as special magistrates ~~masters~~. Employees
 1718 and elected or appointed officials of a taxing jurisdiction or
 1719 of the state may not serve as special magistrates ~~masters~~. The
 1720 clerk of the board shall annually notify such individuals or
 1721 their professional associations to make known to them that
 1722 opportunities to serve as special magistrates ~~masters~~ exist. The
 1723 Department of Revenue shall provide a list of qualified special
 1724 magistrates ~~masters~~ to any county with a population of 75,000 or
 1725 less. Subject to appropriation, the department shall reimburse
 1726 counties with a population of 75,000 or less for payments made
 1727 to special magistrates ~~masters~~ appointed for the purpose of

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1728 taking testimony and making recommendations to the value
 1729 adjustment board pursuant to this section. The department shall
 1730 establish a reasonable range for payments per case to special
 1731 magistrates ~~masters~~ based on such payments in other counties.
 1732 Requests for reimbursement of payments outside this range shall
 1733 be justified by the county. If the total of all requests for
 1734 reimbursement in any year exceeds the amount available pursuant
 1735 to this section, payments to all counties shall be prorated
 1736 accordingly. A special magistrate ~~master~~ appointed to hear
 1737 issues of exemptions and classifications shall be a member of
 1738 The Florida Bar with no less than 5 years' experience in the
 1739 area of ad valorem taxation. A special magistrate ~~master~~
 1740 appointed to hear issues regarding the valuation of real estate
 1741 shall be a state certified real estate appraiser with not less
 1742 than 5 years' experience in real property valuation. A special
 1743 magistrate ~~master~~ appointed to hear issues regarding the
 1744 valuation of tangible personal property shall be a designated
 1745 member of a nationally recognized appraiser's organization with
 1746 not less than 5 years' experience in tangible personal property
 1747 valuation. A special magistrate ~~master~~ need not be a resident of
 1748 the county in which he or she serves. A ~~No~~ special magistrate
 1749 may not ~~master shall be permitted to~~ represent a person before
 1750 the board in any tax year during which he or she has served that
 1751 board as a special magistrate ~~master~~. The board shall appoint
 1752 special magistrates ~~such masters~~ from the list so compiled prior
 1753 to convening of the board. The expense of hearings before
 1754 magistrates ~~masters~~ and any compensation of special magistrates
 1755 ~~masters~~ shall be borne three-fifths by the board of county
 1756 commissioners and two-fifths by the school board.

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1757 (2) The value adjustment board of each county may employ
 1758 qualified property appraisers or evaluators to appear before the
 1759 value adjustment board at that meeting of the board which is
 1760 held for the purpose of hearing complaints. Such property
 1761 appraisers or evaluators shall present testimony as to the just
 1762 value of any property the value of which is contested before the
 1763 board and shall submit to examination by the board, the
 1764 taxpayer, and the property appraiser.

1765 Section 72. Section 206.16, Florida Statutes, is amended
 1766 to read:

1767 206.16 Officer selling property.--

1768 (1) No sheriff, receiver, assignee, general or special
 1769 magistrate ~~master~~, or other officer shall sell the property or
 1770 franchise of any person for failure to pay fuel taxes,
 1771 penalties, or interest without first filing with the department
 1772 a statement containing the following information:

1773 (a) The name of the plaintiff or party at whose instance
 1774 or upon whose account the sale is made;

1775 (b) The name of the person whose property or franchise is
 1776 to be sold;

1777 (c) The time and place of sale; and

1778 (d) The nature of the property and the location of the
 1779 same.

1780 (2) The department, after receiving notice as aforesaid,
 1781 shall furnish to the sheriff, receiver, trustee, assignee,
 1782 general or special magistrate ~~master~~, or other officer having
 1783 charge of the sale a certified copy or copies of all fuel taxes,
 1784 penalties, and interest on file in the office of the department
 1785 as liens against such person, and, in the event there are no
 1786 such liens, a certificate showing that fact, which certified

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1787 copies or copy of certificate shall be publicly read by such
 1788 officer at and immediately before the sale of the property or
 1789 franchise of such person.

1790 Section 73. Section 207.016, Florida Statutes, is amended
 1791 to read:

1792 207.016 Officer's sale of property or franchise.--

1793 (1) No sheriff, receiver, assignee, general or special
 1794 magistrate ~~master~~, or other officer shall sell the property or
 1795 franchise of any person for failure to pay taxes, penalties, or
 1796 interest without first filing with the department a statement
 1797 containing the following information:

1798 (a) The name of the plaintiff or party at whose instance
 1799 or upon whose account the sale is made.

1800 (b) The name of the person whose property or franchise is
 1801 to be sold.

1802 (c) The time and place of sale.

1803 (d) The nature of the property and the location of the
 1804 same.

1805 (2) The department, after receiving notice as provided in
 1806 subsection (1), shall furnish to the sheriff, receiver, trustee,
 1807 assignee, general or special magistrate ~~master~~, or other officer
 1808 having charge of the sale a certified copy or copies of all
 1809 taxes, penalties, and interest on file in the office of the
 1810 department as liens against such person and, in the event there
 1811 are no such liens, a certificate showing that fact, which
 1812 certified copy or copies of certificate shall be publicly read
 1813 by such officer at and immediately before the sale of the
 1814 property or franchise of such person.

1815 Section 74. Section 320.411, Florida Statutes, is amended
 1816 to read:

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1817 320.411 Officer's sale of property or franchise.--

1818 (1) No sheriff, receiver, assignee, general or special
 1819 magistrate ~~master~~, or other officer shall sell the property or
 1820 franchise of any motor carrier for failure to pay taxes,
 1821 penalties, or interest without first filing with the department
 1822 a statement containing the following information:

1823 (a) The name of the plaintiff or party at whose instance
 1824 or upon whose account the sale is made.

1825 (b) The name of the motor carrier whose property or
 1826 franchise is to be sold.

1827 (c) The time and place of sale.

1828 (d) The nature of the property and the location of the
 1829 same.

1830 (2) The department, after receiving notice as provided in
 1831 subsection (1), shall furnish to the sheriff, receiver, trustee,
 1832 assignee, general or special magistrate ~~master~~, or other officer
 1833 having charge of the sale a certified copy of all taxes,
 1834 penalties, and interest on file in the office of the department
 1835 as liens against such motor carrier and, in the event there are
 1836 no such liens, a certificate showing that fact, which certified
 1837 copy or copies of certificate shall be publicly read by such
 1838 officer at and immediately before the sale of the property or
 1839 franchise of such motor carrier.

1840 Section 75. Subsection (7) of section 393.11, Florida
 1841 Statutes, is amended to read:

1842 393.11 Involuntary admission to residential services.--

1843 (7) HEARING.--

1844 (a) The hearing for involuntary admission shall be
 1845 conducted, and the order shall be entered, in the county in
 1846 which the person is residing or be as convenient to the person

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1847 as may be consistent with orderly procedure. The hearing shall
 1848 be conducted in a physical setting not likely to be injurious to
 1849 the person's condition.

1850 (b) A hearing on the petition shall be held as soon as
 1851 practicable after the petition is filed, but reasonable delay
 1852 for the purpose of investigation, discovery, or procuring
 1853 counsel or witnesses shall be granted.

1854 (c) The court may appoint a general or special magistrate
 1855 ~~master~~ to preside. Except as otherwise specified, the
 1856 magistrate's ~~master's~~ proceeding shall be governed by Rule
 1857 1.490, Florida Rules of Civil Procedure.

1858 (d) The person with mental retardation shall be physically
 1859 present throughout the entire proceeding. If the person's
 1860 attorney believes that the person's presence at the hearing is
 1861 not in the person's best interest, the person's presence may be
 1862 waived once the court has seen the person and the hearing has
 1863 commenced.

1864 (e) The person shall have the right to present evidence
 1865 and to cross-examine all witnesses and other evidence alleging
 1866 the appropriateness of the person's admission to residential
 1867 care. Other relevant and material evidence regarding the
 1868 appropriateness of the person's admission to residential
 1869 services; the most appropriate, least restrictive residential
 1870 placement; and the appropriate care, treatment, and habilitation
 1871 of the person, including written or oral reports, may be
 1872 introduced at the hearing by any interested person.

1873 (f) The petitioning commission may be represented by
 1874 counsel at the hearing. The petitioning commission shall have
 1875 the right to call witnesses, present evidence, cross-examine

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1876 witnesses, and present argument on behalf of the petitioning
1877 commission.

1878 (g) All evidence shall be presented according to chapter
1879 90. The burden of proof shall be on the party alleging the
1880 appropriateness of the person's admission to residential
1881 services. The burden of proof shall be by clear and convincing
1882 evidence.

1883 (h) All stages of each proceeding shall be
1884 stenographically reported.

1885 Section 76. Subsections (6) and (7) of section 394.467,
1886 Florida Statutes, are amended to read:

1887 394.467 Involuntary placement.--

1888 (6) HEARING ON INVOLUNTARY PLACEMENT.--

1889 (a)1. The court shall hold the hearing on involuntary
1890 placement within 5 days, unless a continuance is granted. The
1891 hearing shall be held in the county where the patient is located
1892 and shall be as convenient to the patient as may be consistent
1893 with orderly procedure and shall be conducted in physical
1894 settings not likely to be injurious to the patient's condition.
1895 If the court finds that the patient's attendance at the hearing
1896 is not consistent with the best interests of the patient, and
1897 the patient's counsel does not object, the court may waive the
1898 presence of the patient from all or any portion of the hearing.
1899 The state attorney for the circuit in which the patient is
1900 located shall represent the state, rather than the petitioning
1901 facility administrator, as the real party in interest in the
1902 proceeding.

1903 2. The court may appoint a general or special magistrate
1904 ~~master~~ to preside at the hearing. One of the professionals who
1905 executed the involuntary placement certificate shall be a

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1906 witness. The patient and the patient's guardian or
 1907 representative shall be informed by the court of the right to an
 1908 independent expert examination. If the patient cannot afford
 1909 such an examination, the court shall provide for one. The
 1910 independent expert's report shall be confidential and not
 1911 discoverable, unless the expert is to be called as a witness for
 1912 the patient at the hearing. The testimony in the hearing must be
 1913 given under oath, and the proceedings must be recorded. The
 1914 patient may refuse to testify at the hearing.

1915 (b) If the court concludes that the patient meets the
 1916 criteria for involuntary placement, it shall order that the
 1917 patient be transferred to a treatment facility or, if the
 1918 patient is at a treatment facility, that the patient be retained
 1919 there or be treated at any other appropriate receiving or
 1920 treatment facility, or that the patient receive services from a
 1921 receiving or treatment facility, on an involuntary basis, for a
 1922 period of up to 6 months. The order shall specify the nature and
 1923 extent of the patient's mental illness. The facility shall
 1924 discharge a patient any time the patient no longer meets the
 1925 criteria for involuntary placement, unless the patient has
 1926 transferred to voluntary status.

1927 (c) If at any time prior to the conclusion of the hearing
 1928 on involuntary placement it appears to the court that the person
 1929 does not meet the criteria for involuntary placement under this
 1930 chapter, but instead meets the criteria for involuntary
 1931 assessment, protective custody, or involuntary admission
 1932 pursuant to s. 397.675, then the court may order the person to
 1933 be admitted for involuntary assessment for a period of 5 days
 1934 pursuant to s. 397.6811. Thereafter, all proceedings shall be
 1935 governed by chapter 397.

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1936 (d) At the hearing on involuntary placement, the court
 1937 shall consider testimony and evidence regarding the patient's
 1938 competence to consent to treatment. If the court finds that the
 1939 patient is incompetent to consent to treatment, it shall appoint
 1940 a guardian advocate as provided in s. 394.4598.

1941 (e) The administrator of the receiving facility shall
 1942 provide a copy of the court order and adequate documentation of
 1943 a patient's mental illness to the administrator of a treatment
 1944 facility whenever a patient is ordered for involuntary
 1945 placement, whether by civil or criminal court. Such
 1946 documentation shall include any advance directives made by the
 1947 patient, a psychiatric evaluation of the patient, and any
 1948 evaluations of the patient performed by a clinical psychologist
 1949 or a clinical social worker. The administrator of a treatment
 1950 facility may refuse admission to any patient directed to its
 1951 facilities on an involuntary basis, whether by civil or criminal
 1952 court order, who is not accompanied at the same time by adequate
 1953 orders and documentation.

1954 (7) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.--

1955 (a) Hearings on petitions for continued involuntary
 1956 placement shall be administrative hearings and shall be
 1957 conducted in accordance with the provisions of s. 120.57(1),
 1958 except that any order entered by the administrative law judge
 1959 ~~hearing officer~~ shall be final and subject to judicial review in
 1960 accordance with s. 120.68. Orders concerning patients committed
 1961 after successfully pleading not guilty by reason of insanity
 1962 shall be governed by the provisions of s. 916.15.

1963 (b) If the patient continues to meet the criteria for
 1964 involuntary placement, the administrator shall, prior to the
 1965 expiration of the period during which the treatment facility is

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1966 authorized to retain the patient, file a petition requesting
 1967 authorization for continued involuntary placement. The request
 1968 shall be accompanied by a statement from the patient's physician
 1969 or clinical psychologist justifying the request, a brief
 1970 description of the patient's treatment during the time he or she
 1971 was involuntarily placed, and an individualized plan of
 1972 continued treatment. Notice of the hearing shall be provided as
 1973 set forth in s. 394.4599. If at the hearing the administrative
 1974 law judge ~~hearing officer~~ finds that attendance at the hearing
 1975 is not consistent with the best interests of the patient, the
 1976 administrative law judge ~~hearing officer~~ may waive the presence
 1977 of the patient from all or any portion of the hearing, unless
 1978 the patient, through counsel, objects to the waiver of presence.
 1979 The testimony in the hearing must be under oath, and the
 1980 proceedings must be recorded.

1981 (c) Unless the patient is otherwise represented or is
 1982 ineligible, he or she shall be represented at the hearing on the
 1983 petition for continued involuntary placement by the public
 1984 defender of the circuit in which the facility is located.

1985 (d) If at a hearing it is shown that the patient continues
 1986 to meet the criteria for involuntary placement, the
 1987 administrative law judge shall sign the order for continued
 1988 involuntary placement for a period not to exceed 6 months. The
 1989 same procedure shall be repeated prior to the expiration of each
 1990 additional period the patient is retained.

1991 (e) If continued involuntary placement is necessary for a
 1992 patient admitted while serving a criminal sentence, but whose
 1993 sentence is about to expire, or for a patient involuntarily
 1994 placed while a minor but who is about to reach the age of 18,

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1995 the administrator shall petition the administrative law judge
 1996 for an order authorizing continued involuntary placement.

1997 (f) If the patient has been previously found incompetent
 1998 to consent to treatment, the administrative law judge ~~hearing~~
 1999 ~~officer~~ shall consider testimony and evidence regarding the
 2000 patient's competence. If the administrative law judge ~~hearing~~
 2001 ~~officer~~ finds evidence that the patient is now competent to
 2002 consent to treatment, the administrative law judge ~~hearing~~
 2003 ~~officer~~ may issue a recommended order to the court that found
 2004 the patient incompetent to consent to treatment that the
 2005 patient's competence be restored and that any guardian advocate
 2006 previously appointed be discharged.

2007 Section 77. Subsection (7) of section 397.311, Florida
 2008 Statutes, is amended to read:

2009 397.311 Definitions.--As used in this chapter, except part
 2010 VIII:

2011 (7) "Court" means, with respect to all involuntary
 2012 proceedings under this chapter, the circuit court of the county
 2013 in which the judicial proceeding is pending or where the
 2014 substance abuse impaired person resides or is located, and
 2015 includes any general or special magistrate ~~master~~ that may be
 2016 appointed by the chief judge to preside over all or part of such
 2017 proceeding. Otherwise, "court" refers to the court of legal
 2018 jurisdiction in the context in which the term is used in this
 2019 chapter.

2020 Section 78. Subsection (1) of section 397.681, Florida
 2021 Statutes, is amended to read:

2022 397.681 Involuntary petitions; general provisions; court
 2023 jurisdiction and right to counsel.--

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2024 (1) JURISDICTION.--The courts have jurisdiction of
 2025 involuntary assessment and stabilization petitions and
 2026 involuntary treatment petitions for substance abuse impaired
 2027 persons, and such petitions must be filed with the clerk of the
 2028 court in the county where the person is located. The chief judge
 2029 may appoint a general or special magistrate ~~master~~ to preside
 2030 over all or part of the proceedings. The alleged impaired person
 2031 is named as the respondent.

2032 Section 79. Subsection (5) of section 447.207, Florida
 2033 Statutes, is amended to read:

2034 447.207 Commission; powers and duties.--

2035 (5) The commission shall adopt rules as to the
 2036 qualifications of persons who may serve as mediators and special
 2037 magistrates ~~masters~~ and shall maintain lists of such qualified
 2038 persons who are not employees of the commission. The commission
 2039 may initiate dispute resolution procedures by special
 2040 magistrates ~~masters~~, pursuant to the provisions of this part.

2041 Section 80. Subsections (2), (3), and (4) of section
 2042 447.403, Florida Statutes, are amended to read:

2043 447.403 Resolution of impasses.--

2044 (2)(a) If no mediator is appointed, or upon the request of
 2045 either party, the commission shall appoint, and submit all
 2046 unresolved issues to, a special magistrate ~~master~~ acceptable to
 2047 both parties. If the parties are unable to agree on the
 2048 appointment of a special magistrate ~~master~~, the commission shall
 2049 appoint, in its discretion, a qualified special magistrate
 2050 ~~master~~. However, if the parties agree in writing to waive the
 2051 appointment of a special magistrate ~~master~~, the parties may
 2052 proceed directly to resolution of the impasse by the legislative
 2053 body pursuant to paragraph (4)(d). Nothing in this section

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2054 precludes the parties from using the services of a mediator at
 2055 any time during the conduct of collective bargaining.

2056 (b) If the Governor is the public employer, no special
 2057 magistrate ~~master~~ shall be appointed. The parties may proceed
 2058 directly to the Legislature for resolution of the impasse
 2059 pursuant to paragraph (4)(d).

2060 (3) The special magistrate ~~master~~ shall hold hearings in
 2061 order to define the area or areas of dispute, to determine facts
 2062 relating to the dispute, and to render a decision on any and all
 2063 unresolved contract issues. The hearings shall be held at times,
 2064 dates, and places to be established by the special magistrate
 2065 ~~master~~ in accordance with rules promulgated by the commission.
 2066 The special magistrate ~~master~~ shall be empowered to administer
 2067 oaths and issue subpoenas on behalf of the parties to the
 2068 dispute or on his or her own behalf. Within 15 calendar days
 2069 after the close of the final hearing, the special magistrate
 2070 ~~master~~ shall transmit his or her recommended decision to the
 2071 commission and to the representatives of both parties by
 2072 registered mail, return receipt requested. Such recommended
 2073 decision shall be discussed by the parties, and each
 2074 recommendation of the special magistrate ~~master~~ shall be deemed
 2075 approved by both parties unless specifically rejected by either
 2076 party by written notice filed with the commission within 20
 2077 calendar days after the date the party received the special
 2078 magistrate's ~~master's~~ recommended decision. The written notice
 2079 shall include a statement of the cause for each rejection and
 2080 shall be served upon the other party.

2081 (4) If either the public employer or the employee
 2082 organization does not accept, in whole or in part, the
 2083 recommended decision of the special magistrate ~~master~~:

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2084 (a) The chief executive officer of the governmental entity
 2085 involved shall, within 10 days after rejection of a
 2086 recommendation of the special magistrate ~~master~~, submit to the
 2087 legislative body of the governmental entity involved a copy of
 2088 the findings of fact and recommended decision of the special
 2089 magistrate ~~master~~, together with the chief executive officer's
 2090 recommendations for settling the disputed impasse issues. The
 2091 chief executive officer shall also transmit his or her
 2092 recommendations to the employee organization;

2093 (b) The employee organization shall submit its
 2094 recommendations for settling the disputed impasse issues to such
 2095 legislative body and to the chief executive officer;

2096 (c) The legislative body or a duly authorized committee
 2097 thereof shall forthwith conduct a public hearing at which the
 2098 parties shall be required to explain their positions with
 2099 respect to the rejected recommendations of the special
 2100 magistrate ~~master~~;

2101 (d) Thereafter, the legislative body shall take such
 2102 action as it deems to be in the public interest, including the
 2103 interest of the public employees involved, to resolve all
 2104 disputed impasse issues; and

2105 (e) Following the resolution of the disputed impasse
 2106 issues by the legislative body, the parties shall reduce to
 2107 writing an agreement which includes those issues agreed to by
 2108 the parties and those disputed impasse issues resolved by the
 2109 legislative body's action taken pursuant to paragraph(d). The
 2110 agreement shall be signed by the chief executive officer and the
 2111 bargaining agent and shall be submitted to the public employer
 2112 and to the public employees who are members of the bargaining
 2113 unit for ratification. If such agreement is not ratified by all

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2114 parties, pursuant to the provisions of s. 447.309, the
 2115 legislative body's action taken pursuant to the provisions of
 2116 paragraph (d) shall take effect as of the date of such
 2117 legislative body's action for the remainder of the first fiscal
 2118 year which was the subject of negotiations; however, the
 2119 legislative body's action shall not take effect with respect to
 2120 those disputed impasse issues which establish the language of
 2121 contractual provisions which could have no effect in the absence
 2122 of a ratified agreement, including, but not limited to,
 2123 preambles, recognition clauses, and duration clauses.

2124 Section 81. Section 447.405, Florida Statutes, is amended
 2125 to read:

2126 447.405 Factors to be considered by the special magistrate
 2127 ~~master~~.--The special magistrate ~~master~~ shall conduct the
 2128 hearings and render recommended decisions with the objective of
 2129 achieving a prompt, peaceful, and just settlement of disputes
 2130 between the public employee organizations and the public
 2131 employers. The factors, among others, to be given weight by the
 2132 special magistrate ~~master~~ in arriving at a recommended decision
 2133 shall include:

2134 (1) Comparison of the annual income of employment of the
 2135 public employees in question with the annual income of
 2136 employment maintained for the same or similar work of employees
 2137 exhibiting like or similar skills under the same or similar
 2138 working conditions in the local operating area involved.

2139 (2) Comparison of the annual income of employment of the
 2140 public employees in question with the annual income of
 2141 employment of public employees in similar public employee
 2142 governmental bodies of comparable size within the state.

2143 (3) The interest and welfare of the public.

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2144 (4) Comparison of peculiarities of employment in regard to
 2145 other trades or professions, specifically with respect to:

- 2146 (a) Hazards of employment.
 - 2147 (b) Physical qualifications.
 - 2148 (c) Educational qualifications.
 - 2149 (d) Intellectual qualifications.
 - 2150 (e) Job training and skills.
 - 2151 (f) Retirement plans.
 - 2152 (g) Sick leave.
 - 2153 (h) Job security.
- 2154 (5) Availability of funds.

2155 Section 82. Section 447.407, Florida Statutes, is amended
 2156 to read:

2157 447.407 Compensation of mediator and special magistrate
 2158 ~~master~~; expenses.--The compensation of the mediator and special
 2159 magistrate ~~master~~, and all stenographic and other expenses,
 2160 shall be borne equally by the parties.

2161 Section 83. Section 447.409, Florida Statutes, is amended
 2162 to read:

2163 447.409 Records.--All records that ~~which~~ are relevant to,
 2164 or have a bearing upon, any issue or issues raised by the
 2165 proceedings conducted by the special magistrate ~~master~~ shall be
 2166 made available to the special magistrate ~~master~~ by a request in
 2167 writing to any of the parties to the impasse proceedings. Notice
 2168 of such request must ~~shall~~ be furnished to all parties. Any such
 2169 records that ~~which~~ are made available to the special magistrate
 2170 must ~~master shall~~ also be made available to any other party to
 2171 the impasse proceedings, upon written request.

2172 Section 84. Subsection (1) of section 475.011, Florida
 2173 Statutes, is amended to read:

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2174 475.011 Exemptions.--This part does not apply to:

2175 (1) Any person acting as an attorney in fact for the
 2176 purpose of the execution of contracts or conveyances only; as an
 2177 attorney at law within the scope of her or his duties as such;
 2178 as a certified public accountant, as defined in chapter 473,
 2179 within the scope of her or his duties as such; as the personal
 2180 representative, receiver, trustee, or general or special
 2181 magistrate ~~master~~ under, or by virtue of, an appointment by will
 2182 or by order of a court of competent jurisdiction; or as trustee
 2183 under a deed of trust, or under a trust agreement, the ultimate
 2184 purpose and intent whereof is charitable, is philanthropic, or
 2185 provides for those having a natural right to the bounty of the
 2186 donor or trustor.

2187 Section 85. Paragraphs (d), (f), (g), (h), and (j) of
 2188 subsection (5) of section 489.127, Florida Statutes, are amended
 2189 to read:

2190 489.127 Prohibitions; penalties.--

2191 (5) Each county or municipality may, at its option,
 2192 designate one or more of its code enforcement officers, as
 2193 defined in chapter 162, to enforce, as set out in this
 2194 subsection, the provisions of subsection (1) and s. 489.132(1)
 2195 against persons who engage in activity for which a county or
 2196 municipal certificate of competency or license or state
 2197 certification or registration is required.

2198 (d) The act for which the citation is issued shall be
 2199 ceased upon receipt of the citation; and the person charged with
 2200 the violation shall elect either to correct the violation and
 2201 pay the civil penalty in the manner indicated on the citation
 2202 or, within 10 days after ~~of~~ receipt of the citation, exclusive
 2203 of weekends and legal holidays, request an administrative

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2204 hearing before the enforcement or licensing board or designated
 2205 special magistrate ~~master~~ to appeal the issuance of the citation
 2206 by the code enforcement officer.

2207 1. Hearings shall be held before an enforcement or
 2208 licensing board or designated special magistrate ~~master~~ as
 2209 established by s. 162.03(2), and such hearings shall be
 2210 conducted pursuant to the requirements of ss. 162.07 and 162.08.

2211 2. Failure of a violator to appeal the decision of the
 2212 code enforcement officer within the time period set forth in
 2213 this paragraph shall constitute a waiver of the violator's right
 2214 to an administrative hearing. A waiver of the right to an
 2215 administrative hearing shall be deemed an admission of the
 2216 violation, and penalties may be imposed accordingly.

2217 3. If the person issued the citation, or his or her
 2218 designated representative, shows that the citation is invalid or
 2219 that the violation has been corrected prior to appearing before
 2220 the enforcement or licensing board or designated special
 2221 magistrate ~~master~~, the enforcement or licensing board or
 2222 designated special magistrate ~~master~~ may dismiss the citation
 2223 unless the violation is irreparable or irreversible.

2224 4. Each day a willful, knowing violation continues shall
 2225 constitute a separate offense under the provisions of this
 2226 subsection.

2227 (f) If the enforcement or licensing board or designated
 2228 special magistrate ~~master~~ finds that a violation exists, the
 2229 enforcement or licensing board or designated special magistrate
 2230 ~~master~~ may order the violator to pay a civil penalty of not less
 2231 than the amount set forth on the citation but not more than
 2232 \$1,000 per day for each violation. In determining the amount of

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2233 the penalty, the enforcement or licensing board or designated
 2234 special magistrate ~~master~~ shall consider the following factors:

- 2235 1. The gravity of the violation.
- 2236 2. Any actions taken by the violator to correct the
 2237 violation.
- 2238 3. Any previous violations committed by the violator.

2239 (g) Upon written notification by the code enforcement
 2240 officer that a violator had not contested the citation or paid
 2241 the civil penalty within the timeframe allowed on the citation,
 2242 or if a violation has not been corrected within the timeframe
 2243 set forth on the notice of violation, the enforcement or
 2244 licensing board or the designated special magistrate ~~master~~
 2245 shall enter an order ordering the violator to pay the civil
 2246 penalty set forth on the citation or notice of violation, and a
 2247 hearing shall not be necessary for the issuance of such order.

2248 (h) A certified copy of an order imposing a civil penalty
 2249 against an uncertified contractor may be recorded in the public
 2250 records and thereafter shall constitute a lien against any real
 2251 or personal property owned by the violator. Upon petition to the
 2252 circuit court, such order may be enforced in the same manner as
 2253 a court judgment by the sheriffs of this state, including a levy
 2254 against personal property; however, such order shall not be
 2255 deemed to be a court judgment except for enforcement purposes. A
 2256 civil penalty imposed pursuant to this part shall continue to
 2257 accrue until the violator comes into compliance or until
 2258 judgment is rendered in a suit to foreclose on a lien filed
 2259 pursuant to this subsection, whichever occurs first. After 3
 2260 months following ~~from~~ the filing of any such lien which remains
 2261 unpaid, the enforcement board or licensing board or designated
 2262 special magistrate ~~master~~ may authorize the local governing

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2263 body's attorney to foreclose on the lien. No lien created
 2264 pursuant to the provisions of this part may be foreclosed on
 2265 real property which is a homestead under s. 4, Art. X of the
 2266 State Constitution.

2267 (j) An aggrieved party, including the local governing
 2268 body, may appeal a final administrative order of an enforcement
 2269 board or licensing board or designated special magistrate ~~master~~
 2270 to the circuit court. Such an appeal shall not be a hearing de
 2271 novo but shall be limited to appellate review of the record
 2272 created before the enforcement board or licensing board or
 2273 designated special magistrate ~~master~~. An appeal shall be filed
 2274 within 30 days after ~~of the~~ execution of the order to be
 2275 appealed.

2276 Section 86. Paragraphs (d), (f), (g), (h), and (j) of
 2277 subsection (4) of section 489.531, Florida Statutes, are amended
 2278 to read:

2279 489.531 Prohibitions; penalties.--

2280 (4)

2281 (d) The act for which the citation is issued shall be
 2282 ceased upon receipt of the citation; and the person charged with
 2283 the violation shall elect either to correct the violation and
 2284 pay the civil penalty in the manner indicated on the citation
 2285 or, within 10 days after ~~of~~ receipt of the citation, exclusive
 2286 of weekends and legal holidays, request an administrative
 2287 hearing before the enforcement or licensing board or designated
 2288 special magistrate ~~master~~ to appeal the issuance of the citation
 2289 by the code enforcement officer.

2290 1. Hearings shall be held before an enforcement or
 2291 licensing board or designated special magistrate ~~master~~ as

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2292 established by s. 162.03(2) and such hearings shall be conducted
 2293 pursuant to ss. 162.07 and 162.08.

2294 2. Failure of a violator to appeal the decision of the
 2295 code enforcement officer within the time period set forth in
 2296 this paragraph shall constitute a waiver of the violator's right
 2297 to an administrative hearing. A waiver of the right to
 2298 administrative hearing shall be deemed an admission of the
 2299 violation and penalties may be imposed accordingly.

2300 3. If the person issued the citation, or his or her
 2301 designated representative, shows that the citation is invalid or
 2302 that the violation has been corrected prior to appearing before
 2303 the enforcement or licensing board or designated special
 2304 magistrate ~~master~~, the enforcement or licensing board or
 2305 designated special magistrate ~~master~~ shall dismiss the citation
 2306 unless the violation is irreparable or irreversible.

2307 4. Each day a willful, knowing violation continues shall
 2308 constitute a separate offense under the provisions of this
 2309 subsection.

2310 (f) If the enforcement or licensing board or designated
 2311 special magistrate ~~master~~ finds that a violation exists, the
 2312 enforcement or licensing board or designated special magistrate
 2313 ~~master~~ may order the violator to pay a civil penalty of not less
 2314 than the amount set forth on the citation but not more than \$500
 2315 per day for each violation. In determining the amount of the
 2316 penalty, the enforcement or licensing board or designated
 2317 special magistrate ~~master~~ shall consider the following factors:

- 2318 1. The gravity of the violation.
- 2319 2. Any actions taken by the violator to correct the
 2320 violation.
- 2321 3. Any previous violations committed by the violator.

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2322 (g) Upon written notification by the code enforcement
 2323 officer that a violator had not contested the citation or paid
 2324 the civil penalty within the timeframe allowed on the citation,
 2325 or if a violation has not been corrected within the timeframe
 2326 set forth on the notice of violation, the enforcement or
 2327 licensing board or the designated special magistrate ~~master~~
 2328 shall enter an order ordering the violator to pay the civil
 2329 penalty set forth on the citation or notice of violation, and a
 2330 hearing shall not be necessary for the issuance of such order.

2331 (h) A certified copy of an order imposing a civil penalty
 2332 against an uncertified contractor may be recorded in the public
 2333 records and thereafter shall constitute a lien against any real
 2334 or personal property owned by the violator. Upon petition to the
 2335 circuit court, such order may be enforced in the same manner as
 2336 a court judgment by the sheriffs of this state, including a levy
 2337 against personal property; however, such order shall not be
 2338 deemed to be a court judgment except for enforcement purposes.
 2339 A civil penalty imposed pursuant to this part shall continue to
 2340 accrue until the violator comes into compliance or until
 2341 judgment is rendered in a suit to foreclose on a lien filed
 2342 pursuant to this section, whichever occurs first. After 3 months
 2343 following ~~from~~ the filing of any such lien which remains unpaid,
 2344 the enforcement or licensing board or designated special
 2345 magistrate ~~master~~ may authorize the local governing body's
 2346 attorney to foreclose on the lien. No lien created pursuant to
 2347 the provisions of this part may be foreclosed on real property
 2348 which is a homestead under s. 4, Art. X of the State
 2349 Constitution.

2350 (j) An aggrieved party, including the local governing
 2351 body, may appeal a final administrative order of an enforcement

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2352 or licensing board or ~~special~~ designated special magistrate
 2353 ~~master~~ to the circuit court. Such an appeal shall not be a
 2354 hearing de novo but shall be limited to appellate review of the
 2355 record created before the enforcement or licensing board or
 2356 designated special magistrate ~~master~~. An appeal shall be filed
 2357 within 30 days of the execution of the order to be appealed.

2358 Section 87. Subsection (1) of section 496.420, Florida
 2359 Statutes, is amended to read:

2360 496.420 Civil remedies and enforcement.--

2361 (1) In addition to other remedies authorized by law, the
 2362 department may bring a civil action in circuit court to enforce
 2363 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
 2364 person has violated any of these sections, a court may make any
 2365 necessary order or enter a judgment including, but not limited
 2366 to, a temporary or permanent injunction, a declaratory judgment,
 2367 the appointment of a general or special magistrate ~~master~~ or
 2368 receiver, the sequestration of assets, the reimbursement of
 2369 persons from whom contributions have been unlawfully solicited,
 2370 the distribution of contributions in accordance with the
 2371 charitable or sponsor purpose expressed in the registration
 2372 statement or in accordance with the representations made to the
 2373 person solicited, the reimbursement of the department for
 2374 investigative costs, attorney's fees and costs, and any other
 2375 equitable relief the court finds appropriate. Upon a finding
 2376 that any person has violated any provision of ss. 496.401-
 2377 496.424 or s. 496.426 with actual knowledge or knowledge fairly
 2378 implied on the basis of objective circumstances, a court may
 2379 enter an order imposing a civil penalty in an amount not to
 2380 exceed \$10,000 per violation.

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2381 Section 88. Subsection (3) of section 501.207, Florida
 2382 Statutes, is amended to read:

2383 501.207 Remedies of enforcing authority.--

2384 (3) Upon motion of the enforcing authority or any
 2385 interested party in any action brought under subsection (1), the
 2386 court may make appropriate orders, including, but not limited
 2387 to, appointment of a general or special magistrate ~~master~~ or
 2388 receiver or sequestration or freezing of assets, to reimburse
 2389 consumers or governmental entities found to have been damaged;
 2390 to carry out a transaction in accordance with the reasonable
 2391 expectations of consumers or governmental entities; to strike or
 2392 limit the application of clauses of contracts to avoid an
 2393 unconscionable result; to order any defendant to divest herself
 2394 or himself of any interest in any enterprise, including real
 2395 estate; to impose reasonable restrictions upon the future
 2396 activities of any defendant to impede her or him from engaging
 2397 in or establishing the same type of endeavor; to order the
 2398 dissolution or reorganization of any enterprise; or to grant
 2399 legal, equitable, or other appropriate relief. The court may
 2400 assess the expenses of a general or special magistrate ~~master~~ or
 2401 receiver against a person who has violated, is violating, or is
 2402 otherwise likely to violate this part. Any injunctive order,
 2403 whether temporary or permanent, issued by the court shall be
 2404 effective throughout the state unless otherwise provided in the
 2405 order.

2406 Section 89. Section 501.618, Florida Statutes, is amended
 2407 to read:

2408 501.618 General civil remedies.--The department may bring:

2409 (1) An action to obtain a declaratory judgment that an act
 2410 or practice violates the provisions of this part.

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2411 (2) An action to enjoin a person who has violated, is
 2412 violating, or is otherwise likely to violate the provisions of
 2413 this part.

2414 (3) An action on behalf of one or more purchasers for the
 2415 actual damages caused by an act or practice performed in
 2416 violation of the provisions of this part. Such an action may
 2417 include, but is not limited to, an action to recover against a
 2418 bond, letter of credit, or certificate of deposit as otherwise
 2419 provided in this part.

2420
 2421 Upon motion of the enforcing authority in any action brought
 2422 under this section, the court may make appropriate orders,
 2423 including appointment of a general or special magistrate ~~master~~
 2424 or receiver or sequestration of assets, to reimburse consumers
 2425 found to have been damaged, to carry out a consumer transaction
 2426 in accordance with the consumer's reasonable expectations, or to
 2427 grant other appropriate relief. The court may assess the
 2428 expenses of a general or special magistrate ~~master~~ or receiver
 2429 against a commercial telephone seller. Any injunctive order,
 2430 whether temporary or permanent, issued by the court shall be
 2431 effective throughout the state unless otherwise provided in the
 2432 order.

2433 Section 90. Subsection (6) of section 559.936, Florida
 2434 Statutes, is amended to read:

2435 559.936 Civil penalties; remedies.--

2436 (6) Upon motion of the department in any action brought
 2437 under this part, the court may make appropriate orders,
 2438 including appointment of a general or special magistrate ~~master~~
 2439 or receiver or sequestration of assets, to reimburse consumers
 2440 found to have been damaged, to carry out a consumer transaction

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2441 in accordance with the consumer's reasonable expectations, or to
 2442 grant other appropriate relief.

2443 Section 91. Subsection (1) of section 582.23, Florida
 2444 Statutes, is amended to read:

2445 582.23 Performance of work under the regulations by the
 2446 supervisors.--

2447 (1) The supervisors may go upon any lands within the
 2448 district to determine whether land use regulations adopted are
 2449 being observed. Where the supervisors of any district shall find
 2450 that any of the provisions of land use regulations adopted are
 2451 not being observed on particular lands, and that such
 2452 nonobservance tends to increase erosion on such lands and is
 2453 interfering with the prevention or control of erosion on other
 2454 lands within the district, the supervisors may present to the
 2455 circuit court for the county or counties within which the lands
 2456 of the defendant may lie, a petition, duly verified, setting
 2457 forth the adoption of the land use regulations, the failure of
 2458 the defendant landowner or occupier to observe such regulations,
 2459 and to perform particular work, operations, or avoidances as
 2460 required thereby, and that such nonobservance tends to increase
 2461 erosion on such lands and is interfering with the prevention or
 2462 control of erosion on other lands within the district, and
 2463 praying the court to require the defendant to perform the work,
 2464 operations, or avoidances within a reasonable time and to order
 2465 that if the defendant shall fail so to perform the supervisors
 2466 may go on the land, perform the work or other operations or
 2467 otherwise bring the condition of such lands into conformity with
 2468 the requirements of such regulations, and recover the costs and
 2469 expenses thereof, with interest, from the owner of such land.
 2470 Upon the presentation of such petition the court shall cause

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2471 process to be issued against the defendant, and shall hear the
 2472 case. If it shall appear to the court that testimony is
 2473 necessary for the proper disposition of the matter, it may take
 2474 evidence or appoint a special magistrate ~~master~~ to take such
 2475 evidence as it may direct and report the same to the court
 2476 within her or his findings of fact and conclusions of law, which
 2477 shall constitute a part of the proceedings upon which the
 2478 determination of the court shall be made.

2479 Section 92. Subsection (2) of section 631.182, Florida
 2480 Statutes, is amended to read:

2481 631.182 Receiver claims report and claimants objections
 2482 procedure.--

2483 (2) At the hearing, any interested person is entitled to
 2484 appear. The hearing shall not be de novo but shall be limited to
 2485 the record as described in s. 631.181(2). The court shall enter
 2486 an order allowing, allowing in part, or disallowing the claim.
 2487 Any such order is deemed to be an appealable order. In the
 2488 interests of judicial economy, the court may appoint a special
 2489 magistrate ~~master~~ to resolve objections or to perform any
 2490 particular service required by the court. This subsection shall
 2491 apply to receivership proceedings commencing prior to, or
 2492 subsequent to, July 1, 1997.

2493 Section 93. Subsections (3) and (4) of section 631.331,
 2494 Florida Statutes, are amended to read:

2495 631.331 Assessment prima facie correct; notice; payment;
 2496 proceeding to collect.--

2497 (3) If any such member or subscriber fails to pay the
 2498 assessment within the period specified in the notice, which
 2499 period shall not be less than 20 days after mailing, the
 2500 department may obtain an order in the delinquency proceeding

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2501 requiring the member or subscriber to show cause at a time and
 2502 place fixed by the court why judgment should not be entered
 2503 against such member or subscriber for the amount of the
 2504 assessment, together with all costs, ~~and~~ A copy of the order
 2505 and a copy of the petition therefor shall be served upon the
 2506 member or subscriber within the time and in the manner
 2507 designated in the order.

2508 (4) If the subscriber or member after due service of a
 2509 copy of the order and petition referred to in subsection (3) is
 2510 made upon her or him:

2511 (a) Fails to appear at the time and place specified in the
 2512 order, judgment shall be entered against her or him as prayed
 2513 for in the petition; or

2514 (b) Appears in the manner and form required by law in
 2515 response to the order, the court shall hear and determine the
 2516 matter and enter a judgment in accordance with its decision. In
 2517 the interests of judicial economy, the court may appoint a
 2518 special magistrate ~~master~~ to resolve objections or to perform
 2519 any particular service required by the court. This paragraph
 2520 shall apply to receivership proceedings commencing prior to, or
 2521 subsequent to, July 1, 1997.

2522 Section 94. Subsection (2) of section 633.052, Florida
 2523 Statutes, is amended to read:

2524 633.052 Ordinances relating to firesafety; definitions;
 2525 penalties.--

2526 (2) A county or municipality that ~~which~~ has created a code
 2527 enforcement board or special magistrate ~~master~~ system pursuant
 2528 to chapter 162 may enforce firesafety code violations as
 2529 provided in chapter 162. The governing body of a county or
 2530 municipality which has not created a code enforcement board or

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2531 special magistrate ~~master~~ system for firesafety under chapter
 2532 162 is authorized to enact ordinances relating to firesafety
 2533 codes, which ordinances shall provide:

2534 (a) That a violation of such an ordinance is a civil
 2535 infraction.

2536 (b) A maximum civil penalty not to exceed \$500.

2537 (c) A civil penalty of less than the maximum civil penalty
 2538 if the person who has committed the civil infraction does not
 2539 contest the citation.

2540 (d) For the issuance of a citation by an officer who has
 2541 probable cause to believe that a person has committed a
 2542 violation of an ordinance relating to firesafety.

2543 (e) For the contesting of a citation in the county court.

2544 (f) Such procedures and provisions necessary to implement
 2545 any ordinances enacted under the authority of this section.

2546 Section 95. Subsection (2) of section 744.369, Florida
 2547 Statutes, is amended to read:

2548 744.369 Judicial review of guardianship reports.--

2549 (2) The court may appoint general or special magistrates
 2550 ~~masters~~ to assist the court in its review function. The court
 2551 may require the general or special magistrate ~~master~~ to conduct
 2552 random field audits.

2553 Section 96. Subsection (11) of section 760.11, Florida
 2554 Statutes, is amended to read:

2555 760.11 Administrative and civil remedies; construction.--

2556 (11) If a complaint is within the jurisdiction of the
 2557 commission, the commission shall simultaneously with its other
 2558 statutory obligations attempt to eliminate or correct the
 2559 alleged discrimination by informal methods of conference,
 2560 conciliation, and persuasion. Nothing said or done in the course

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2561 of such informal endeavors may be made public or used as
 2562 evidence in a subsequent civil proceeding, trial, or hearing.
 2563 The commission may initiate dispute resolution procedures,
 2564 including voluntary arbitration, by special magistrates ~~masters~~
 2565 or mediators. The commission may adopt rules as to the
 2566 qualifications of persons who may serve as special magistrates
 2567 ~~masters~~ and mediators.

2568 Section 97. Subsection (1) of section 837.011, Florida
 2569 Statutes, is amended to read:

2570 837.011 Definitions.--In this chapter, unless a different
 2571 meaning plainly is required:

2572 (1) "Official proceeding" means a proceeding heard, or
 2573 which may be or is required to be heard, before any legislative,
 2574 judicial, administrative, or other governmental agency or
 2575 official authorized to take evidence under oath, including any
 2576 referee, general or special magistrate ~~master in chancery~~,
 2577 administrative law judge, hearing officer, hearing examiner,
 2578 commissioner, notary, or other person taking testimony or a
 2579 deposition in connection with any such proceeding.

2580 Section 98. Subsection (6) of section 838.014, Florida
 2581 Statutes, is amended to read:

2582 838.014 Definitions.--As used in this chapter, the term:

2583 (6) "Public servant" means:

2584 (a) Any officer or employee of a state, county, municipal,
 2585 or special district agency or entity;

2586 (b) Any legislative or judicial officer or employee;

2587 (c) Any person, except a witness, who acts as a general or
 2588 special magistrate ~~master~~, receiver, auditor, arbitrator,
 2589 umpire, referee, consultant, or hearing officer while performing
 2590 a governmental function; or

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2591 (d) A candidate for election or appointment to any of the
 2592 positions listed in this subsection, or an individual who has
 2593 been elected to, but has yet to officially assume the
 2594 responsibilities of, public office.

2595 Section 99. Section 839.17, Florida Statutes, is amended
 2596 to read:

2597 839.17 Misappropriation of moneys by commissioners to make
 2598 sales.--Any commissioner or general or special magistrate ~~master~~
 2599 ~~in chancery~~, having received the purchase money or the
 2600 securities resulting from any of the sales authorized by law,
 2601 who shall fail to deliver such moneys and securities, or either
 2602 of them, to the executor or administrator, or the person
 2603 entitled to receive the same, upon the order of the court,
 2604 unless she or he is rendered unable to do so by some cause not
 2605 attributable to her or his own default or neglect, shall be
 2606 fined in a sum equal to the amount received from the purchaser,
 2607 and commits ~~shall be guilty of~~ a felony of the second degree,
 2608 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2609 Section 100. Paragraph (a) of subsection (3) of section
 2610 916.107, Florida Statutes, is amended to read:

2611 916.107 Rights of forensic clients.--

2612 (3) RIGHT TO EXPRESS AND INFORMED CONSENT.--

2613 (a) A client committed to the department pursuant to this
 2614 act shall be asked to give express and informed written consent
 2615 for treatment. If a client in a forensic facility refuses such
 2616 treatment as is deemed necessary by the client's
 2617 multidisciplinary treatment team at the forensic facility for
 2618 the appropriate care of the client and the safety of the client
 2619 or others, such treatment may be provided under the following
 2620 circumstances:

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2621 1. In an emergency situation in which there is immediate
 2622 danger to the safety of the client or others, such treatment may
 2623 be provided upon the written order of a physician for a period
 2624 not to exceed 48 hours, excluding weekends and legal holidays.
 2625 If, after the 48-hour period, the client has not given express
 2626 and informed consent to the treatment initially refused, the
 2627 administrator or designee of the forensic facility shall, within
 2628 48 hours, excluding weekends and legal holidays, petition the
 2629 committing court or the circuit court serving the county in
 2630 which the facility is located, at the option of the facility
 2631 administrator or designee, for an order authorizing the
 2632 continued treatment of the client. In the interim, treatment may
 2633 be continued without the consent of the client upon the
 2634 continued written order of a physician who has determined that
 2635 the emergency situation continues to present a danger to the
 2636 safety of the client or others.

2637 2. In a situation other than an emergency situation, the
 2638 administrator or designee of the forensic facility shall
 2639 petition the court for an order authorizing the treatment to the
 2640 client. The order shall allow such treatment for a period not to
 2641 exceed 90 days from the date of the entry of the order. Unless
 2642 the court is notified in writing that the client has provided
 2643 express and informed consent in writing or that the client has
 2644 been discharged by the committing court, the administrator or
 2645 designee shall, prior to the expiration of the initial 90-day
 2646 order, petition the court for an order authorizing the
 2647 continuation of treatment for another 90-day period. This
 2648 procedure shall be repeated until the client provides consent or
 2649 is discharged by the committing court.

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2650 3. At the hearing on the issue of whether the court should
 2651 enter an order authorizing treatment for which a client has
 2652 refused to give express and informed consent, the court shall
 2653 determine by clear and convincing evidence that the client is
 2654 mentally ill, retarded, or autistic as defined in this chapter,
 2655 that the treatment not consented to is essential to the care of
 2656 the client, and that the treatment not consented to is not
 2657 experimental and does not present an unreasonable risk of
 2658 serious, hazardous, or irreversible side effects. In arriving at
 2659 the substitute judgment decision, the court must consider at
 2660 least the following factors:

- 2661 a. The client's expressed preference regarding treatment;
- 2662 b. The probability of adverse side effects;
- 2663 c. The prognosis without treatment; and
- 2664 d. The prognosis with treatment.

2665
 2666 The hearing shall be as convenient to the client as may be
 2667 consistent with orderly procedure and shall be conducted in
 2668 physical settings not likely to be injurious to the client's
 2669 condition. The court may appoint a general or special magistrate
 2670 ~~master~~ to preside at the hearing. The client or the client's
 2671 guardian, and the representative, shall be provided with a copy
 2672 of the petition and the date, time, and location of the hearing.
 2673 The client has the right to have an attorney represent him or
 2674 her at the hearing, and, if the client is indigent, the court
 2675 shall appoint the office of the public defender to represent the
 2676 client at the hearing. The client may testify or not, as he or
 2677 she chooses, and has the right to cross-examine witnesses and
 2678 may present his or her own witnesses.

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2679 Section 101. Subsection (11) of section 938.30, Florida
 2680 Statutes, is amended to read:

2681 938.30 Financial obligations in criminal cases;
 2682 supplementary proceedings.--

2683 (11) The court may refer any proceeding under this section
 2684 to a special magistrate ~~master~~ who shall report findings and
 2685 make recommendations to the court. The court shall act on such
 2686 recommendations within a reasonable amount of time.

2687 Section 102. Subsection (3) of section 945.43, Florida
 2688 Statutes, is amended to read:

2689 945.43 Admission of inmate to mental health treatment
 2690 facility.--

2691 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR
 2692 MENTAL HEALTH TREATMENT.--If the inmate does not waive a hearing
 2693 or if the inmate or the inmate's representative files a petition
 2694 for a hearing after having waived it, the court shall serve
 2695 notice on the warden of the facility where the inmate is
 2696 confined, the director, and the allegedly mentally ill inmate.
 2697 The notice shall specify the date, time, and place of the
 2698 hearing; the basis for the allegation of mental illness; and the
 2699 names of the examining experts. The hearing shall be held within
 2700 5 days, and the court may appoint a general or special
 2701 magistrate ~~master~~ to preside. The hearing may be as informal as
 2702 is consistent with orderly procedure. One of the experts whose
 2703 opinion supported the recommendation shall be present at the
 2704 hearing for information purposes. If, at the hearing, the court
 2705 finds that the inmate is mentally ill and in need of care and
 2706 treatment, it shall order that he or she be transferred to a
 2707 mental health treatment facility and provided appropriate
 2708 treatment. The court shall provide a copy of its order

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2709 authorizing transfer and all supporting documentation relating
2710 to the inmate's condition to the warden of the treatment
2711 facility. If the court finds that the inmate is not mentally
2712 ill, it shall dismiss the petition for transfer.

2713 Section 103. This act shall take effect October 1, 2004.