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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. 29.004, 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:

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

30 26.012 Jurisdiction of circuit court.--

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. Subsection (8) of section 29.004, Florida
 47 Statutes, as amended by chapter 2003-402, Laws of Florida, is
 48 amended to read:

49 29.004 State courts system.--For purposes of implementing
 50 s. 14, Art. V of the State Constitution, the essential elements
 51 of the state courts system are as follows:

52 (8) General magistrates, special magistrates, Masters and
 53 hearing officers.

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

57 34.01 Jurisdiction of county court.--

58 (2) The county courts shall have jurisdiction previously
59 exercised by county judges' courts other than that vested in the
60 circuit court by s. 26.012, except that county court judges may
61 hear matters involving dissolution of marriage under the
62 simplified dissolution procedure pursuant to ~~Rule 1.611(e)~~,
63 Florida Family Law Rules of ~~Civil~~ Procedure or may issue a final
64 order for dissolution in cases where the matter is uncontested,
65 and the jurisdiction previously exercised by county courts, the
66 claims court, small claims courts, small claims magistrates
67 courts, magistrates courts, justice of the peace courts,
68 municipal courts, and courts of chartered counties, including
69 but not limited to the counties referred to in ss. 9, 10, 11,
70 and 24, Art. VIII of the State Constitution of 1885 as preserved
71 by s. 6(e), Art. VIII of the State Constitution of 1968.

72 (3) Judges of county courts shall also be committing trial
73 court judges ~~magistrates~~. Judges of county courts shall be
74 coroners unless otherwise provided by law or by rule of the
75 Supreme Court.

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

77 Section 5. Section 48.20, Florida Statutes, is amended to
78 read:

79 48.20 Service of process on Sunday.--Service or execution
80 on Sunday of any writ, process, warrant, order, or judgment is
81 void and the person serving or executing, or causing it to be

82 served or executed, is liable to the party aggrieved for damages
83 for so doing as if he or she had done it without any process,
84 writ, warrant, order, or judgment. If affidavit is made by the
85 person requesting service or execution that he or she has good
86 reason to believe that any person liable to have any such writ,
87 process, warrant, order, or judgment served on him or her
88 intends to escape from this state under protection of Sunday,
89 any officer furnished with an order authorizing service or
90 execution by the trial court judge ~~or magistrate of any~~
91 ~~incorporated town~~ may serve or execute such writ, process,
92 warrant, order, or judgment on Sunday, and it is as valid as if
93 it had been done on any other day.

94 Section 6. Section 142.09, Florida Statutes, is amended to
95 read:

96 142.09 If defendant is not convicted or dies.--If the
97 defendant is not convicted, or the prosecution is abated by the
98 death of the defendant, or if the costs are imposed on the
99 defendant and execution against him or her is returned no
100 property found, or if a nolle prosequere be entered, in each of
101 these cases the fees of witnesses and officers arising from
102 criminal causes shall be paid by the county in the manner
103 specified in ss. 142.10-142.12; provided, that when a committing
104 trial court judge ~~magistrate~~ holds to bail or commits a person
105 to answer to a criminal charge and an information is not filed
106 or an indictment found against such person, the costs and fees
107 of such committing trial shall not be paid by the county, except
108 the costs of executing the warrants.

109 Section 7. Subsection (3) of section 316.635, Florida
110 Statutes, is amended to read:

111 316.635 Courts having jurisdiction over traffic
112 violations; powers relating to custody and detention of
113 minors.--

114 (3) If a minor is taken into custody for a criminal
115 traffic offense or a violation of chapter 322 and the minor does
116 not demand to be taken before a trial court judge or a Civil
117 Traffic Infraction Hearing Officer, who has jurisdiction over
118 the offense or violation ~~magistrate~~, the arresting officer or
119 booking officer shall immediately notify, or cause to be
120 notified, the minor's parents, guardian, or responsible adult
121 relative of the action taken. After making every reasonable
122 effort to give notice, the arresting officer or booking officer
123 may:

124 (a) Issue a notice to appear pursuant to chapter 901 and
125 release the minor to a parent, guardian, responsible adult
126 relative, or other responsible adult;

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

129 (c) Issue a notice to appear pursuant to chapter 901 and
130 deliver the minor to an appropriate substance abuse treatment or
131 rehabilitation facility or refer the minor to an appropriate
132 medical facility as provided in s. 901.29. If the minor cannot
133 be delivered to an appropriate substance abuse treatment or
134 rehabilitation facility or medical facility, the arresting
135 officer may deliver the minor to an appropriate intake office of

136 the Department of Juvenile Justice, which shall take custody of
137 the minor and make any appropriate referrals; or

138 (d) If the violation constitutes a felony and the minor
139 cannot be released pursuant to s. 903.03, transport and deliver
140 the minor to an appropriate Department of Juvenile Justice
141 intake office. Upon delivery of the minor to the intake office,
142 the department shall assume custody and proceed pursuant to
143 chapter 984 or chapter 985.

144

145 If action is not taken pursuant to paragraphs (a)-(d), the minor
146 shall be delivered to the Department of Juvenile Justice, and
147 the department shall make every reasonable effort to contact the
148 parents, guardian, or responsible adult relative to take custody
149 of the minor. If there is no parent, guardian, or responsible
150 adult relative available, the department may retain custody of
151 the minor for up to 24 hours.

152 Section 8. Section 373.603, Florida Statutes, is amended
153 to read:

154 373.603 Power to enforce.--The Department of Environmental
155 Protection or the governing board of any water management
156 district and any officer or agent thereof may enforce any
157 provision of this law or any rule or regulation adopted and
158 promulgated or order issued thereunder to the same extent as any
159 peace officer is authorized to enforce the law. Any officer or
160 agent of any such board may appear before any trial court judge
161 ~~magistrate~~ empowered to issue warrants in criminal cases and
162 make an affidavit and apply for the issuance of a warrant in the
163 manner provided by law. ~~and said magistrate,~~ If such affidavit

164 alleges ~~shall allege~~ the commission of an offense, the trial
 165 court judge shall issue a warrant directed to any sheriff or
 166 deputy for the arrest of any offender. The provisions of this
 167 section shall apply to the Florida Water Resources Act of 1972
 168 in its entirety.

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

171 381.0012 Enforcement authority.--

172 (4) The department may appear before any trial court judge
 173 ~~magistrate~~ empowered to issue warrants in criminal cases and
 174 request the issuance of a warrant. The trial court judge
 175 ~~magistrate~~ shall issue a warrant directed to any sheriff,
 176 deputy, or police officer to assist in any way to carry out the
 177 purpose and intent of this chapter.

178 Section 10. Subsections (3) and (4) of section 450.121,
 179 Florida Statutes, are amended to read:

180 450.121 Enforcement of Child Labor Law.--

181 (3) It is the duty of any trial court judge ~~magistrate~~ of
 182 any court in the state to issue warrants and try cases made
 183 within the limit of any city over which such trial court judge
 184 ~~magistrate~~ has jurisdiction in connection with the violation of
 185 this law.

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

191 Section 11. Subsection (2) of section 560.306, Florida
192 Statutes, is amended to read:

193 560.306 Standards.--

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

212 Section 12. Section 633.14, Florida Statutes, is amended
213 to read:

214 633.14 Agents; powers to make arrests, conduct searches
215 and seizures, serve summonses, and carry firearms.--Agents of
216 the State Fire Marshal shall have the same authority to serve
217 summonses, make arrests, carry firearms, and make searches and
218 seizures, as the sheriff or her or his deputies, in the

219 | respective counties where such investigations, hearings, or
 220 | inspections may be held; and affidavits necessary to authorize
 221 | any such arrests, searches, or seizures may be made before any
 222 | trial court judge ~~magistrate~~ having authority under the law to
 223 | issue appropriate processes.

224 | Section 13. Paragraph (e) of subsection (1) and paragraph
 225 | (c) of subsection (2) of section 648.44, Florida Statutes, are
 226 | amended to read:

227 | 648.44 Prohibitions; penalty.--

228 | (1) A bail bond agent or temporary bail bond agent may
 229 | not:

230 | (e) Pay a fee or rebate or give or promise anything of
 231 | value to a jailer, police officer, peace officer, or committing
 232 | trial court judge ~~magistrate~~ or any other person who has power
 233 | to arrest or to hold in custody or to any public official or
 234 | public employee in order to secure a settlement, compromise,
 235 | remission, or reduction of the amount of any bail bond or
 236 | estreatment thereof.

237 | (2) The following persons or classes shall not be bail
 238 | bond agents, temporary bail bond agents, or employees of a bail
 239 | bond agent or a bail bond business and shall not directly or
 240 | indirectly receive any benefits from the execution of any bail
 241 | bond:

242 | (c) Committing trial court judges ~~magistrates~~, employees
 243 | of a court, or employees of the clerk of any court.

244 | Section 14. Subsection (3) of section 817.482, Florida
 245 | Statutes, is amended to read:

246 817.482 Possessing or transferring device for theft of
 247 telecommunications service; concealment of destination of
 248 telecommunications service.--

249 (3) Any such instrument, apparatus, equipment, or device,
 250 or plans or instructions therefor, referred to in subsections
 251 (1) and (2), may be seized by court order or under a search
 252 warrant of a judge ~~or magistrate~~ or incident to a lawful arrest;
 253 and upon the conviction of any person for a violation of any
 254 provision of this act, or s. 817.481, such instrument,
 255 apparatus, equipment, device, plans, or instructions either
 256 shall be destroyed as contraband by the sheriff of the county in
 257 which such person was convicted or turned over to the telephone
 258 company in whose territory such instrument, apparatus,
 259 equipment, device, plans, or instructions were seized.

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

262 832.05 Giving worthless checks, drafts, and debit card
 263 orders; penalty; duty of drawee; evidence; costs; complaint
 264 form.--

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

271 Section 16. Section 876.42, Florida Statutes, is amended
 272 to read:

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

290 Section 17. Paragraph (a) of subsection (1) of section
291 893.12, Florida Statutes, is amended to read:

292 893.12 Contraband; seizure, forfeiture, sale.--

293 (1) All substances controlled by this chapter and all
294 listed chemicals, which substances or chemicals are handled,
295 delivered, possessed, or distributed contrary to any provisions
296 of this chapter, and all such controlled substances or listed
297 chemicals the lawful possession of which is not established or
298 the title to which cannot be ascertained, are declared to be
299 contraband, are subject to seizure and confiscation by any

300 person whose duty it is to enforce the provisions of the
301 chapter, and shall be disposed of as follows:

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

311 Section 18. Section 901.01, Florida Statutes, is amended
312 to read:

313 901.01 Judicial officers have ~~to be~~ committing authority
314 ~~magistrates~~.--Each state judicial officer is a conservator of
315 the peace and has a committing ~~magistrate with~~ authority to
316 issue warrants of arrest, commit offenders to jail, and
317 recognize them to appear to answer the charge. He or she may
318 require sureties of the peace when the peace has been
319 substantially threatened or disturbed.

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

322 901.02 When warrant of arrest to be issued.--

323 (1) A warrant may be issued for the arrest of the person
324 complained against if the trial court judge ~~magistrate~~, from the
325 examination of the complainant and other witnesses, reasonably
326 believes that the person complained against has committed an
327 offense within the trial court judge's ~~magistrate's~~

328 jurisdiction. A warrant is issued at the time it is signed by
329 the trial court judge ~~magistrate~~.

330 Section 20. Section 901.07, Florida Statutes, is amended
331 to read:

332 901.07 Admission to bail when arrest occurs in another
333 county.--

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

343 (2) If the person arrested does not have a right to bail
344 or, when informed of his or her right to bail, does not furnish
345 bail immediately, the officer who made the arrest or the officer
346 having the warrant shall take the person before the trial court
347 judge ~~magistrate~~ who issued the warrant.

348 Section 21. Section 901.08, Florida Statutes, is amended
349 to read:

350 901.08 Issue of warrant when offense triable in another
351 county.--

352 (1) When a complaint before a trial court judge ~~magistrate~~
353 charges the commission of an offense that is punishable by death
354 or life imprisonment and is triable in another county of the
355 state, but it appears that the person against whom the complaint

356 is made is in the county where the complaint is made, the same
357 proceedings for issuing a warrant shall be used as prescribed in
358 this chapter, except that the warrant shall require the person
359 against whom the complaint is made to be taken before a
360 designated trial court judge ~~magistrate~~ of the county in which
361 the offense is triable.

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

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

374 Section 22. Section 901.09, Florida Statutes, is amended
375 to read:

376 901.09 When summons shall be issued.--

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

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

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

393 Section 23. Section 901.11, Florida Statutes, is amended
394 to read:

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

404 Section 24. Section 901.12, Florida Statutes, is amended
405 to read:

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

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

414 901.25 Fresh pursuit; arrest outside jurisdiction.--

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

423 Section 26. Section 902.15, Florida Statutes, is amended
 424 to read:

425 902.15 Undertaking by witness.--When a defendant is held
 426 to answer on a charge for a crime punishable by death or life
 427 imprisonment, the trial court judge ~~magistrate~~ at the
 428 preliminary hearing may require each material witness to enter
 429 into a written recognizance to appear at the trial or forfeit a
 430 sum fixed by the trial court judge ~~magistrate~~. Additional
 431 security may be required in the discretion of the trial court
 432 judge ~~magistrate~~.

433 Section 27. Subsections (1), (2), and (3) of section
 434 902.17, Florida Statutes, are amended to read:

435 902.17 Procedure when witness does not give security.--

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

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

445 (3) If it appears from examination on oath of the witness
446 or any other person that the witness is unable to give security,
447 the trial court judge ~~magistrate~~ or the court having
448 jurisdiction to try the defendant shall make an order finding
449 that fact, and the witness shall be detained pending application
450 for her or his conditional examination. Within 3 days from the
451 entry of the order, the witness shall be conditionally examined
452 on application of the state or the defendant. The examination
453 shall be by question and answer in the presence of the other
454 party and counsel, and shall be transcribed by a court reporter
455 or stenographer selected by the parties. At the completion of
456 the examination the witness shall be discharged. The deposition
457 of the witness may be introduced in evidence at the trial by the
458 defendant, or, if the prosecuting attorney and the defendant and
459 the defendant's counsel agree, it may be admitted in evidence by
460 stipulation. The deposition shall not be admitted on behalf of
461 the state without the consent of the defendant.

462 Section 28. Section 902.20, Florida Statutes, is amended
463 to read:

464 902.20 Contempts before committing trial court judge
465 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding a
466 preliminary hearing shall have the same power to punish for

467 | contempts that she or he has while presiding at the trial of
468 | criminal cases.

469 | Section 29. Section 902.21, Florida Statutes, is amended
470 | to read:

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

475 | Section 30. Subsection (1) of section 903.03, Florida
476 | Statutes, is amended to read:

477 | 903.03 Jurisdiction of trial court to admit to bail;
478 | duties and responsibilities of Department of Corrections.--

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

486 | Section 31. Subsection (2) of section 903.32, Florida
487 | Statutes, is amended to read:

488 | 903.32 Defects in bond.--

489 | (2) If no day, or an impossible day, is stated in a bond
490 | for the defendant's appearance before a trial court judge
491 | ~~magistrate~~ for a hearing, the defendant shall be bound to appear
492 | 10 days after receipt of notice to appear by the defendant, the
493 | defendant's counsel, or any surety on the undertaking. If no
494 | day, or an impossible day, is stated in a bond for the

495 | defendant's appearance for trial, the defendant shall be bound
 496 | to appear on the first day of the next term of court that will
 497 | commence more than 3 days after the undertaking is given.

498 | Section 32. Section 903.34, Florida Statutes, is amended
 499 | to read:

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

505 | Section 33. Subsection (4) of section 914.22, Florida
 506 | Statutes, is amended to read:

507 | 914.22 Tampering with a witness, victim, or informant.--

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

510 | (a) That the official proceeding before a judge, court,
 511 | ~~magistrate~~, grand jury, or government agency is before a judge
 512 | or court of the state, a state or local grand jury, or a state
 513 | agency; or

514 | (b) That the judge is a judge of the state or that the law
 515 | enforcement officer is an officer or employee of the state or a
 516 | person authorized to act for or on behalf of the state or
 517 | serving the state as an adviser or consultant.

518 | Section 34. Section 923.01, Florida Statutes, is amended
 519 | to read:

520 | 923.01 Criminal report.--Each committing trial court judge
 521 | ~~magistrate~~ at the time commitment papers are sent by her or him
 522 | to the proper trial court, and the sheriff when an arrest is

523 made, other than on a capias, shall transmit to the prosecuting
 524 attorney of the trial court having jurisdiction, a report in the
 525 following form:

526 CRIMINAL REPORT

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

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

546 Section 35. Section 933.01, Florida Statutes, is amended
 547 to read:

548 933.01 Persons competent to issue search warrant.--A
 549 search warrant authorized by law may be issued by any judge,
 550 including the ~~judge of any circuit court of this state or county~~

551 ~~court judge, or~~ committing judge of the trial court ~~magistrate~~
552 having jurisdiction where the place, vehicle, or thing to be
553 searched may be.

554 Section 36. Section 933.06, Florida Statutes, is amended
555 to read:

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

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

567 933.07 Issuance of search warrants.--

568 (1) The judge, upon examination of the application and
569 proofs submitted, if satisfied that probable cause exists for
570 the issuing of the search warrant, shall thereupon issue a
571 search warrant signed by him or her with his or her name of
572 office, to any sheriff and the sheriff's deputies or any police
573 officer or other person authorized by law to execute process,
574 commanding the officer or person forthwith to search the
575 property described in the warrant or the person named, for the
576 property specified, and to bring the property and any person
577 arrested in connection therewith before the judge ~~magistrate~~ or
578 some other court having jurisdiction of the offense.

579 Section 38. Section 933.10, Florida Statutes, is amended
580 to read:

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

587 Section 39. Section 933.101, Florida Statutes, is amended
588 to read:

589 933.101 Service on Sunday.--A search warrant may be
590 executed by being served on Sunday, if expressly authorized in
591 such warrant by the judge ~~or magistrate issuing the same~~.

592 Section 40. Section 933.13, Florida Statutes, is amended
593 to read:

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

601 Section 41. Subsections (1), (3), and (4) of section
602 933.14, Florida Statutes, are amended to read:

603 933.14 Return of property taken under search warrant.--

604 (1) If it appears to the ~~magistrate or~~ judge before whom
605 the warrant is returned that the property or papers taken are
606 not the same as that described in the warrant, or that there is

607 no probable cause for believing the existence of the grounds
608 upon which the warrant was issued, or if it appears to the judge
609 ~~magistrate~~ before whom any property is returned that the
610 property was secured by an "unreasonable" search, the judge ~~or~~
611 ~~magistrate~~ may order a return of the property taken; provided,
612 however, that in no instance shall contraband such as slot
613 machines, gambling tables, lottery tickets, tally sheets,
614 rundown sheets, or other gambling devices, paraphernalia and
615 equipment, or narcotic drugs, obscene prints and literature be
616 returned to anyone claiming an interest therein, it being the
617 specific intent of the Legislature that no one has any property
618 rights subject to be protected by any constitutional provision
619 in such contraband; provided, further, that the claimant of said
620 contraband may upon sworn petition and proof submitted by him or
621 her in the circuit court of the county where seized, show that
622 said contraband articles so seized were held, used or possessed
623 in a lawful manner, for a lawful purpose, and in a lawful place,
624 the burden of proof in all cases being upon the claimant. The
625 sworn affidavit or complaint upon which the search warrant was
626 issued or the testimony of the officers showing probable cause
627 to search without a warrant or incident to a legal arrest, and
628 the finding of such slot machines, gambling tables, lottery
629 tickets, tally sheets, rundown sheets, scratch sheets, or other
630 gambling devices, paraphernalia, and equipment, including money
631 used in gambling or in furtherance of gambling, or narcotic
632 drugs, obscene prints and literature, or any of them, shall
633 constitute prima facie evidence of the illegal possession of
634 such contraband and the burden shall be upon the claimant for

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

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

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

657 Section 42. Section 939.02, Florida Statutes, is amended
658 to read:

659 939.02 Costs before committing trial court judge
660 ~~magistrate~~.--All costs accruing before a committing trial court
661 judge ~~magistrate~~ shall be taxed against the defendant on
662 conviction or estreat of recognizance.

663 Section 43. Section 939.14, Florida Statutes, is amended
664 to read:

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

672 Section 44. Section 941.13, Florida Statutes, is amended
673 to read:

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

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

700 Section 45. Section 941.14, Florida Statutes, is amended
701 to read:

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

713 Section 46. Section 941.15, Florida Statutes, is amended
714 to read:

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

719 | the person has fled from justice, the judge ~~or magistrate~~ must,
 720 | by a warrant reciting the accusation, commit the person to the
 721 | county jail for such a time not exceeding 30 days and specified
 722 | in the warrant, ~~as will enable the arrest of the accused to be~~
 723 | made under a warrant of the Governor on a requisition of the
 724 | executive authority of the state having jurisdiction of the
 725 | offense, unless the accused gives ~~give~~ bail as provided in s.
 726 | 941.16 ~~the next section~~, or until the accused shall be legally
 727 | discharged.

728 | Section 47. Section 941.17, Florida Statutes, is amended
 729 | to read:

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

738 | Section 48. Section 941.18, Florida Statutes, is amended
 739 | to read:

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

746 name of the state as in the case of other bonds given by the
747 accused in criminal proceedings within this state.

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

750 947.141 Violations of conditional release, control
751 release, or conditional medical release or addiction-recovery
752 supervision.--

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

774 of the conditions of release. Upon the issuance of the
775 commission's warrant, the offender must continue to be held in
776 custody pending a revocation hearing held in accordance with
777 this section.

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

780 948.06 Violation of probation or community control;
781 revocation; modification; continuance; failure to pay
782 restitution or cost of supervision.--

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

802 violation of probation or community control and following
803 issuance of a warrant under s. 901.02, the probationary period
804 is tolled until the court enters a ruling on the violation.
805 Notwithstanding the tolling of probation as provided in this
806 subsection, the court shall retain jurisdiction over the
807 offender for any violation of the conditions of probation or
808 community control that is alleged to have occurred during the
809 tolling period. The probation officer is permitted to continue
810 to supervise any offender who remains available to the officer
811 for supervision until the supervision expires pursuant to the
812 order of probation or community control or until the court
813 revokes or terminates the probation or community control,
814 whichever comes first. The court, upon the probationer or
815 offender being brought before it, shall advise him or her of
816 such charge of violation and, if such charge is admitted to be
817 true, may forthwith revoke, modify, or continue the probation or
818 community control or place the probationer into a community
819 control program. If probation or community control is revoked,
820 the court shall adjudge the probationer or offender guilty of
821 the offense charged and proven or admitted, unless he or she has
822 previously been adjudged guilty, and impose any sentence which
823 it might have originally imposed before placing the probationer
824 on probation or the offender into community control. If such
825 violation of probation or community control is not admitted by
826 the probationer or offender, the court may commit him or her or
827 release him or her with or without bail to await further
828 hearing, or it may dismiss the charge of probation or community
829 control violation. If such charge is not at that time admitted

830 by the probationer or offender and if it is not dismissed, the
831 court, as soon as may be practicable, shall give the probationer
832 or offender an opportunity to be fully heard on his or her
833 behalf in person or by counsel. After such hearing, the court
834 may revoke, modify, or continue the probation or community
835 control or place the probationer into community control. If such
836 probation or community control is revoked, the court shall
837 adjudge the probationer or offender guilty of the offense
838 charged and proven or admitted, unless he or she has previously
839 been adjudged guilty, and impose any sentence which it might
840 have originally imposed before placing the probationer or
841 offender on probation or into community control. Notwithstanding
842 s. 775.082, when a period of probation or community control has
843 been tolled, upon revocation or modification of the probation or
844 community control, the court may impose a sanction with a term
845 that when combined with the amount of supervision served and
846 tolled, exceeds the term permissible pursuant to s. 775.082 for
847 a term up to the amount of the tolled period supervision. If the
848 court dismisses an affidavit alleging a violation of probation
849 or community control, the offender's probation or community
850 control shall continue as previously imposed, and the offender
851 shall receive credit for all tolled time against his or her term
852 of probation or community control.

853 Section 51. Paragraph (b) of subsection (4) of section
854 985.05, Florida Statutes, is amended to read:

855 985.05 Court records.--

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

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

863 Section 52. Section 56.071, Florida Statutes, is amended
864 to read:

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

879 Section 53. Subsections (2), (7), and (10) of section
880 56.29, Florida Statutes, are amended to read:

881 56.29 Proceedings supplementary.--

882 (2) On such plaintiff's motion the court shall require the
883 defendant in execution to appear before it or a general or

884 special magistrate ~~master~~ at a time and place specified by the
885 order in the county of the defendant's residence to be examined
886 concerning his or her property.

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

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

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

899 61.1826 Procurement of services for State Disbursement
900 Unit and the non-Title IV-D component of the State Case
901 Registry; contracts and cooperative agreements; penalties;
902 withholding payment.--

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

908 (a) The initial term of the contract and cooperative
909 agreements is for 5 years. The subsequent term of the contract
910 and cooperative agreements is for 3 years, with the option of

911 two 1-year renewal periods, at the sole discretion of the
912 department.

913 (b) The duties and responsibilities of the Florida
914 Association of Court Clerks, the depositories, and the
915 department.

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

922 (d) All providers and subcontractors shall submit to the
923 department directly, or through the Florida Association of Court
924 Clerks, management reports in a format prescribed by the
925 department.

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

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

939 | by the department. The Florida Association of Court Clerks shall
 940 | contract with a certified public accounting firm, selected by
 941 | the Florida Association of Court Clerks and the department, to
 942 | audit and certify quarterly to the department all claims for
 943 | expenditures submitted by the depositories for Title IV-D
 944 | reimbursement.

945 | (g) Upon termination of the contracts between the
 946 | department and the Florida Association of Court Clerks or the
 947 | depositories, the Florida Association of Court Clerks, its
 948 | agents, and the depositories shall assist the department in
 949 | making an orderly transition to a private vendor.

950 | (h) Interest on late payment by the department shall be in
 951 | accordance with s. 215.422.

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

963 | Section 55. Section 64.061, Florida Statutes, is amended
 964 | to read:

965 | 64.061 Partition of property; commissioners; special
 966 | magistrate ~~master~~.--

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

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

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

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

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

1000 Section 56. Subsection (5) of section 65.061, Florida
 1001 Statutes, is amended to read:

1002 65.061 Quieting title; additional remedy.--

1003 (5) RECORDING FINAL JUDGMENTS.--All final judgments may be
 1004 recorded in the county or counties in which the land is situated
 1005 and operate to vest title in like manner as though a conveyance
 1006 were executed by a special magistrate ~~master~~ or commissioner.

1007 Section 57. Section 69.051, Florida Statutes, is amended
 1008 to read:

1009 69.051 General and special magistrates ~~Masters in~~
 1010 ~~chancery~~; compensation.--General and special magistrates
 1011 appointed by the court ~~Masters in chancery~~ shall be allowed such
 1012 compensation for any services as the court deems reasonable,
 1013 including time consumed in legal research required in preparing
 1014 and summarizing their findings of fact and law.

1015 Section 58. Section 70.51, Florida Statutes, is amended to
 1016 read:

1017 70.51 Land use and environmental dispute resolution.--

1018 (1) This section may be cited as the "Florida Land Use and
 1019 Environmental Dispute Resolution Act."

1020 (2) As used in this section, the term:

1021 (a) "Development order" means any order, or notice of
 1022 proposed state or regional governmental agency action, which is

1023 or will have the effect of granting, denying, or granting with
1024 conditions an application for a development permit, and includes
1025 the rezoning of a specific parcel. Actions by the state or a
1026 local government on comprehensive plan amendments are not
1027 development orders.

1028 (b) "Development permit" means any building permit, zoning
1029 permit, subdivision approval, certification, special exception,
1030 variance, or any other similar action of local government, as
1031 well as any permit authorized to be issued under state law by
1032 state, regional, or local government which has the effect of
1033 authorizing the development of real property including, but not
1034 limited to, programs implementing chapters 125, 161, 163, 166,
1035 187, 258, 372, 373, 378, 380, and 403.

1036 (c) "Special magistrate ~~master~~" means a person selected by
1037 the parties to perform the duties prescribed in this section.
1038 The special magistrate ~~master~~ must be a resident of the state
1039 and possess experience and expertise in mediation and at least
1040 one of the following disciplines and a working familiarity with
1041 the others: land use and environmental permitting, land
1042 planning, land economics, local and state government
1043 organization and powers, and the law governing the same.

1044 (d) "Owner" means a person with a legal or equitable
1045 interest in real property who filed an application for a
1046 development permit for the property at the state, regional, or
1047 local level and who received a development order, or who holds
1048 legal title to real property that is subject to an enforcement
1049 action of a governmental entity.

1050 (e) "Proposed use of the property" means the proposal
 1051 filed by the owner to develop his or her real property.

1052 (f) "Governmental entity" includes an agency of the state,
 1053 a regional or a local government created by the State
 1054 Constitution or by general or special act, any county or
 1055 municipality, or any other entity that independently exercises
 1056 governmental authority. The term does not include the United
 1057 States or any of its agencies.

1058 (g) "Land" or "real property" means land and includes any
 1059 appurtenances and improvements to the land, including any other
 1060 relevant real property in which the owner had a relevant
 1061 interest.

1062 (3) Any owner who believes that a development order,
 1063 either separately or in conjunction with other development
 1064 orders, or an enforcement action of a governmental entity, is
 1065 unreasonable or unfairly burdens the use of the owner's real
 1066 property, may apply within 30 days after receipt of the order or
 1067 notice of the governmental action for relief under this section.

1068 (4) To initiate a proceeding under this section, an owner
 1069 must file a request for relief with the elected or appointed
 1070 head of the governmental entity that issued the development
 1071 order or orders, or that initiated the enforcement action. The
 1072 head of the governmental entity may not charge the owner for the
 1073 request for relief and must forward the request for relief to
 1074 the special magistrate ~~master~~ who is mutually agreed upon by the
 1075 owner and the governmental entity within 10 days after receipt
 1076 of the request.

1077 (5) The governmental entity with whom a request has been
1078 filed shall also serve a copy of the request for relief by
1079 United States mail or by hand delivery to:

1080 (a) Owners of real property contiguous to the owner's
1081 property at the address on the latest county tax roll.

1082 (b) Any substantially affected party who submitted oral or
1083 written testimony, sworn or unsworn, of a substantive nature
1084 which stated with particularity objections to or support for any
1085 development order at issue or enforcement action at issue.
1086 Notice under this paragraph is required only if that party
1087 indicated a desire to receive notice of any subsequent special
1088 magistrate ~~master~~ proceedings occurring on the development order
1089 or enforcement action. Each governmental entity must maintain in
1090 its files relating to particular development orders a mailing
1091 list of persons who have presented oral or written testimony and
1092 who have requested notice.

1093 (6) The request for relief must contain:

1094 (a) A brief statement of the owner's proposed use of the
1095 property.

1096 (b) A summary of the development order or description of
1097 the enforcement action. A copy of the development order or the
1098 documentation of an enforcement action at issue must be attached
1099 to the request.

1100 (c) A brief statement of the impact of the development
1101 order or enforcement action on the ability of the owner to
1102 achieve the proposed use of the property.

1103 (d) A certificate of service showing the parties,
1104 including the governmental entity, served.

1105 (7) The special magistrate ~~master~~ may require other
1106 information in the interest of gaining a complete understanding
1107 of the request for relief.

1108 (8) The special magistrate ~~master~~ may conduct a hearing on
1109 whether the request for relief should be dismissed for failing
1110 to include the information required in subsection (6). If the
1111 special magistrate ~~master~~ dismisses the case, the special
1112 magistrate ~~master~~ shall allow the owner to amend the request and
1113 refile. Failure to file an adequate amended request within the
1114 time specified shall result in a dismissal with prejudice as to
1115 this proceeding.

1116 (9) By requesting relief under this section, the owner
1117 consents to grant the special magistrate ~~master~~ and the parties
1118 reasonable access to the real property with advance notice at a
1119 time and in a manner acceptable to the owner of the real
1120 property.

1121 (10)(a) Before initiating a special magistrate ~~master~~
1122 proceeding to review a local development order or local
1123 enforcement action, the owner must exhaust all nonjudicial local
1124 government administrative appeals if the appeals take no longer
1125 than 4 months. Once nonjudicial local administrative appeals
1126 are exhausted and the development order or enforcement action is
1127 final, or within 4 months after issuance of the development
1128 order or notice of the enforcement action if the owner has
1129 pursued local administrative appeals even if the appeals have
1130 not been concluded, the owner may initiate a proceeding under
1131 this section. Initiation of a proceeding tolls the time for
1132 seeking judicial review of a local government development order

1133 or enforcement action until the special magistrate's ~~master's~~
1134 recommendation is acted upon by the local government. Election
1135 by the owner to file for judicial review of a local government
1136 development order or enforcement action prior to initiating a
1137 proceeding under this section waives any right to a special
1138 magistrate ~~master~~ proceeding.

1139 (b) If an owner requests special magistrate ~~master~~ relief
1140 from a development order or enforcement action issued by a state
1141 or regional agency, the time for challenging agency action under
1142 ss. 120.569 and 120.57 is tolled. If an owner chooses to bring a
1143 proceeding under ss. 120.569 and 120.57 before initiating a
1144 special magistrate ~~master~~ proceeding, then the owner waives any
1145 right to a special magistrate ~~master~~ proceeding unless all
1146 parties consent to proceeding to mediation.

1147 (11) The initial party to the proceeding is the
1148 governmental entity that issues the development order to the
1149 owner or that is taking the enforcement action. In those
1150 instances when the development order or enforcement action is
1151 the culmination of a process involving more than one
1152 governmental entity or when a complete resolution of all
1153 relevant issues would require the active participation of more
1154 than one governmental entity, the special magistrate ~~master~~ may,
1155 upon application of a party, join those governmental entities as
1156 parties to the proceeding if it will assist in effecting the
1157 purposes of this section, and those governmental entities so
1158 joined shall actively participate in the procedure.

1159 (12) Within 21 days after receipt of the request for
1160 relief, any owner of land contiguous to the owner's property and

1161 any substantially affected person who submitted oral or written
1162 testimony, sworn or unsworn, of a substantive nature which
1163 stated with particularity objections to or support for the
1164 development order or enforcement action at issue may request to
1165 participate in the proceeding. Those persons may be permitted to
1166 participate in the hearing but shall not be granted party or
1167 intervenor status. The participation of such persons is limited
1168 to addressing issues raised regarding alternatives, variances,
1169 and other types of adjustment to the development order or
1170 enforcement action which may impact their substantial interests,
1171 including denial of the development order or application of an
1172 enforcement action.

1173 (13) Each party must make efforts to assure that those
1174 persons qualified by training or experience necessary to address
1175 issues raised by the request or by the special magistrate ~~master~~
1176 and further qualified to address alternatives, variances, and
1177 other types of modifications to the development order or
1178 enforcement action are present at the hearing.

1179 (14) The special magistrate ~~master~~ may subpoena any
1180 nonparty witnesses in the state whom the special magistrate
1181 ~~master~~ believes will aid in the disposition of the matter.

1182 (15)(a) The special magistrate ~~master~~ shall hold a hearing
1183 within 45 days after his or her receipt of the request for
1184 relief unless a different date is agreed to by all the parties.
1185 The hearing must be held in the county in which the property is
1186 located.

1187 (b) The special magistrate ~~master~~ must provide notice of
1188 the place, date, and time of the hearing to all parties and any

1189 other persons who have requested such notice at least 40 days
1190 prior to the hearing.

1191 (16)(a) Fifteen days following the filing of a request for
1192 relief, the governmental entity that issued the development
1193 order or that is taking the enforcement action shall file a
1194 response to the request for relief with the special magistrate
1195 ~~master~~ together with a copy to the owner. The response must set
1196 forth in reasonable detail the position of the governmental
1197 entity regarding the matters alleged by the owner. The response
1198 must include a brief statement explaining the public purpose of
1199 the regulations on which the development order or enforcement
1200 action is based.

1201 (b) Any governmental entity that is added by the special
1202 magistrate ~~master~~ as a party must file a response to the request
1203 for relief prior to the hearing but not later than 15 days
1204 following its admission.

1205 (c) Any party may incorporate in the response to the
1206 request for relief a request to be dropped from the proceeding.
1207 The request to be dropped must set forth facts and circumstances
1208 relevant to aid the special magistrate ~~master~~ in ruling on the
1209 request. All requests to be dropped must be disposed of prior to
1210 conducting any hearings on the merits of the request for relief.

1211 (17) In all respects, the hearing must be informal and
1212 open to the public and does not require the use of an attorney.
1213 The hearing must operate at the direction and under the
1214 supervision of the special magistrate ~~master~~. The object of the
1215 hearing is to focus attention on the impact of the governmental
1216 action giving rise to the request for relief and to explore

1217 alternatives to the development order or enforcement action and
1218 other regulatory efforts by the governmental entities in order
1219 to recommend relief, when appropriate, to the owner.

1220 (a) The first responsibility of the special magistrate
1221 ~~master~~ is to facilitate a resolution of the conflict between the
1222 owner and governmental entities to the end that some
1223 modification of the owner's proposed use of the property or
1224 adjustment in the development order or enforcement action or
1225 regulatory efforts by one or more of the governmental parties
1226 may be reached. Accordingly, the special magistrate ~~master~~ shall
1227 act as a facilitator or mediator between the parties in an
1228 effort to effect a mutually acceptable solution. The parties
1229 shall be represented at the mediation by persons with authority
1230 to bind their respective parties to a solution, or by persons
1231 with authority to recommend a solution directly to the persons
1232 with authority to bind their respective parties to a solution.

1233 (b) If an acceptable solution is not reached by the
1234 parties after the special magistrate's ~~master's~~ attempt at
1235 mediation, the special magistrate ~~master~~ shall consider the
1236 facts and circumstances set forth in the request for relief and
1237 any responses and any other information produced at the hearing
1238 in order to determine whether the action by the governmental
1239 entity or entities is unreasonable or unfairly burdens the real
1240 property.

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

1244 magistrate ~~master~~ shall weigh all information offered at the
 1245 hearing.

1246 (18) The circumstances to be examined in determining
 1247 whether the development order or enforcement action, or the
 1248 development order or enforcement action in conjunction with
 1249 regulatory efforts of other governmental parties, is
 1250 unreasonable or unfairly burdens use of the property may
 1251 include, but are not limited to:

1252 (a) The history of the real property, including when it
 1253 was purchased, how much was purchased, where it is located, the
 1254 nature of the title, the composition of the property, and how it
 1255 was initially used.

1256 (b) The history or development and use of the real
 1257 property, including what was developed on the property and by
 1258 whom, if it was subdivided and how and to whom it was sold,
 1259 whether plats were filed or recorded, and whether infrastructure
 1260 and other public services or improvements may have been
 1261 dedicated to the public.

1262 (c) The history of environmental protection and land use
 1263 controls and other regulations, including how and when the land
 1264 was classified, how use was proscribed, and what changes in
 1265 classifications occurred.

1266 (d) The present nature and extent of the real property,
 1267 including its natural and altered characteristics.

1268 (e) The reasonable expectations of the owner at the time
 1269 of acquisition, or immediately prior to the implementation of
 1270 the regulation at issue, whichever is later, under the
 1271 regulations then in effect and under common law.

1272 (f) The public purpose sought to be achieved by the
1273 development order or enforcement action, including the nature
1274 and magnitude of the problem addressed by the underlying
1275 regulations on which the development order or enforcement action
1276 is based; whether the development order or enforcement action is
1277 necessary to the achievement of the public purpose; and whether
1278 there are alternative development orders or enforcement action
1279 conditions that would achieve the public purpose and allow for
1280 reduced restrictions on the use of the property.

1281 (g) Uses authorized for and restrictions placed on similar
1282 property.

1283 (h) Any other information determined relevant by the
1284 special magistrate ~~master~~.

1285 (19) Within 14 days after the conclusion of the hearing,
1286 the special magistrate ~~master~~ shall prepare and file with all
1287 parties a written recommendation.

1288 (a) If the special magistrate ~~master~~ finds that the
1289 development order at issue, or the development order or
1290 enforcement action in combination with the actions or
1291 regulations of other governmental entities, is not unreasonable
1292 or does not unfairly burden the use of the owner's property, the
1293 special magistrate ~~master~~ must recommend that the development
1294 order or enforcement action remain undisturbed and the
1295 proceeding shall end, subject to the owner's retention of all
1296 other available remedies.

1297 (b) If the special magistrate ~~master~~ finds that the
1298 development order or enforcement action, or the development
1299 order or enforcement action in combination with the actions or

1300 regulations of other governmental entities, is unreasonable or
1301 unfairly burdens use of the owner's property, the special
1302 magistrate ~~master~~, with the owner's consent to proceed, may
1303 recommend one or more alternatives that protect the public
1304 interest served by the development order or enforcement action
1305 and regulations at issue but allow for reduced restraints on the
1306 use of the owner's real property, including, but not limited to:

- 1307 1. An adjustment of land development or permit standards
1308 or other provisions controlling the development or use of land.
- 1309 2. Increases or modifications in the density, intensity,
1310 or use of areas of development.
- 1311 3. The transfer of development rights.
- 1312 4. Land swaps or exchanges.
- 1313 5. Mitigation, including payments in lieu of onsite
1314 mitigation.
- 1315 6. Location on the least sensitive portion of the
1316 property.
- 1317 7. Conditioning the amount of development or use
1318 permitted.
- 1319 8. A requirement that issues be addressed on a more
1320 comprehensive basis than a single proposed use or development.
- 1321 9. Issuance of the development order, a variance, special
1322 exception, or other extraordinary relief, including withdrawal
1323 of the enforcement action.
- 1324 10. Purchase of the real property, or an interest therein,
1325 by an appropriate governmental entity.

1326 (c) This subsection does not prohibit the owner and
1327 governmental entity from entering in to an agreement as to the

1328 permissible use of the property prior to the special magistrate
1329 ~~master~~ entering a recommendation. An agreement for a
1330 permissible use must be incorporated in the special magistrate's
1331 ~~master's~~ recommendation.

1332 (20) The special magistrate's ~~master's~~ recommendation is a
1333 public record under chapter 119. However, actions or statements
1334 of all participants to the special magistrate ~~master~~ proceeding
1335 are evidence of an offer to compromise and inadmissible in any
1336 proceeding, judicial or administrative.

1337 (21) Within 45 days after receipt of the special
1338 magistrate's ~~master's~~ recommendation, the governmental entity
1339 responsible for the development order or enforcement action and
1340 other governmental entities participating in the proceeding must
1341 consult among themselves and each governmental entity must:

1342 (a) Accept the recommendation of the special magistrate
1343 ~~master~~ as submitted and proceed to implement it by development
1344 agreement, when appropriate, or by other method, in the ordinary
1345 course and consistent with the rules and procedures of that
1346 governmental entity. However, the decision of the governmental
1347 entity to accept the recommendation of the special magistrate
1348 ~~master~~ with respect to granting a modification, variance, or
1349 special exception to the application of statutes, rules,
1350 regulations, or ordinances as they would otherwise apply to the
1351 subject property does not require an owner to duplicate previous
1352 processes in which the owner has participated in order to
1353 effectuate the granting of the modification, variance, or
1354 special exception;

1355 (b) Modify the recommendation as submitted by the special
1356 magistrate ~~master~~ and proceed to implement it by development
1357 agreement, when appropriate, or by other method, in the ordinary
1358 course and consistent with the rules and procedures of that
1359 governmental entity; or

1360 (c) Reject the recommendation as submitted by the special
1361 magistrate ~~master~~. Failure to act within 45 days is a rejection
1362 unless the period is extended by agreement of the owner and
1363 issuer of the development order or enforcement action.

1364 (22) If a governmental entity accepts the special
1365 magistrate's ~~master's~~ recommendation or modifies it and the
1366 owner rejects the acceptance or modification, or if a
1367 governmental entity rejects the special magistrate's ~~master's~~
1368 recommendation, the governmental entity must issue a written
1369 decision within 30 days that describes as specifically as
1370 possible the use or uses available to the subject real property.

1371 (23) The procedure established by this section may not
1372 continue longer than 165 days, unless the period is extended by
1373 agreement of the parties. A decision describing available uses
1374 constitutes the last prerequisite to judicial action and the
1375 matter is ripe or final for subsequent judicial proceedings
1376 unless the owner initiates a proceeding under ss. 120.569 and
1377 120.57. If the owner brings a proceeding under ss. 120.569 and
1378 120.57, the matter is ripe when the proceeding culminates in a
1379 final order whether further appeal is available or not.

1380 (24) The procedure created by this section is not itself,
1381 nor does it create, a judicial cause of action. Once the
1382 governmental entity acts on the special magistrate's ~~master's~~

1383 recommendation, the owner may elect to file suit in a court of
1384 competent jurisdiction. Invoking the procedures of this section
1385 is not a condition precedent to filing a civil action.

1386 (25) Regardless of the action the governmental entity
1387 takes on the special magistrate's ~~master's~~ recommendation, a
1388 recommendation that the development order or enforcement action,
1389 or the development order or enforcement action in combination
1390 with other governmental regulatory actions, is unreasonable or
1391 unfairly burdens use of the owner's real property may serve as
1392 an indication of sufficient hardship to support modification,
1393 variances, or special exceptions to the application of statutes,
1394 rules, regulations, or ordinances to the subject property.

1395 (26) A special magistrate's ~~master's~~ recommendation under
1396 this section constitutes data in support of, and a support
1397 document for, a comprehensive plan or comprehensive plan
1398 amendment, but is not, in and of itself, dispositive of a
1399 determination of compliance with chapter 163. Any comprehensive
1400 plan amendment necessary to carry out the approved
1401 recommendation of a special magistrate ~~master~~ under this section
1402 is exempt from the twice-a-year limit on plan amendments and may
1403 be adopted by the local government amendments in s.
1404 163.3184(16)(d).

1405 (27) The special magistrate ~~master~~ shall send a copy of
1406 the recommendation in each case to the Department of Legal
1407 Affairs. Each governmental entity, within 15 days after its
1408 action on the special magistrate's ~~master's~~ recommendation,
1409 shall notify the Department of Legal Affairs in writing as to

1410 | what action the governmental entity took on the special
1411 | magistrate's ~~master's~~ recommendation.

1412 | (28) Each governmental entity may establish procedural
1413 | guidelines to govern the conduct of proceedings authorized by
1414 | this section, which must include, but are not limited to,
1415 | payment of special magistrate ~~master~~ fees and expenses,
1416 | including the costs of providing notice and effecting service of
1417 | the request for relief under this section, which shall be borne
1418 | equally by the governmental entities and the owner.

1419 | (29) This section shall be liberally construed to effect
1420 | fully its obvious purposes and intent, and governmental entities
1421 | shall direct all available resources and authorities to effect
1422 | fully the obvious purposes and intent of this section in
1423 | resolving disputes. Governmental entities are encouraged to
1424 | expedite notice and time-related provisions to implement
1425 | resolution of disputes under this section. The procedure
1426 | established by this section may be used to resolve disputes in
1427 | pending judicial proceedings, with the agreement of the parties
1428 | to the judicial proceedings, and subject to the approval of the
1429 | court in which the judicial proceedings are pending. The
1430 | provisions of this section are cumulative, and do not supplant
1431 | other methods agreed to by the parties and lawfully available
1432 | for arbitration, mediation, or other forms of alternative
1433 | dispute resolution.

1434 | (30) This section applies only to development orders
1435 | issued, modified, or amended, or to enforcement actions issued,
1436 | on or after October 1, 1995.

1437 Section 59. Subsection (1) of section 92.142, Florida
 1438 Statutes, is amended to read:
 1439 92.142 Witnesses; pay.--
 1440 (1) Witnesses in all cases, civil and criminal, in all
 1441 courts, now or hereafter created, and witnesses summoned before
 1442 any arbitrator or general or special magistrate appointed by the
 1443 court ~~master in chancery~~ shall receive for each day's actual
 1444 attendance \$5 and also 6 cents per mile for actual distance
 1445 traveled to and from the courts. A witness in a criminal case
 1446 required to appear in a county other than the county of his or
 1447 her residence and residing more than 50 miles from the location
 1448 of the trial shall be entitled to per diem and travel expenses
 1449 at the same rate provided for state employees under s. 112.061,
 1450 in lieu of any other witness fee at the discretion of the court.

1451 Section 60. Section 112.41, Florida Statutes, is amended
 1452 to read:

1453 112.41 Contents of order of suspension; Senate select
 1454 committee; special magistrate ~~examiner~~.--

1455 (1) The order of the Governor, in suspending any officer
 1456 pursuant to the provisions of s. 7, Art. IV of the State
 1457 Constitution, shall specify facts sufficient to advise both the
 1458 officer and the Senate as to the charges made or the basis of
 1459 the suspension.

1460 (2) The Senate shall conduct a hearing in the manner
 1461 prescribed by rules of the Senate adopted for this purpose.

1462 (3) The Senate may provide for a select committee to be
 1463 appointed by the Senate in accordance with its rules for the
 1464 purpose of hearing the evidence and making its recommendation to

1465 the Senate as to the removal or reinstatement of the suspended
1466 officer.

1467 (4) The Senate may, in lieu of the use of a select
1468 committee, appoint a ~~special examiner or a special~~ magistrate
1469 ~~master~~ to receive the evidence and make recommendations to the
1470 Senate.

1471 Section 61. Section 112.43, Florida Statutes, is amended
1472 to read:

1473 112.43 Prosecution of suspension before Senate.--All
1474 suspensions heard by the Senate, a select committee, or special
1475 magistrate ~~master, or examiner~~ in accordance with rules of the
1476 Senate shall be prosecuted by the Governor, the Governor's legal
1477 staff, or an attorney designated by the Governor. Should the
1478 Senate, or the select committee appointed by the Senate to hear
1479 the evidence and to make recommendations, desire private
1480 counsel, either the Senate or the select committee shall be
1481 entitled to employ its own counsel for this purpose. Nothing
1482 herein shall prevent the Senate or its select committee from
1483 making its own investigation and presenting such evidence as its
1484 investigation may reveal. The Governor may request the advice of
1485 the Department of Legal Affairs relative to the suspension order
1486 prior to its issuance by the Governor. Following the issuance of
1487 the suspension order, either the Senate or the select committee
1488 may request the Department of Legal Affairs to provide counsel
1489 for the Senate to advise on questions of law or otherwise advise
1490 with the Senate or the select committee, but the Department of
1491 Legal Affairs shall not be required to prosecute before the

1492 Senate or the committee and shall, pursuant to the terms of this
 1493 section, act as the legal adviser only.

1494 Section 62. Section 112.47, Florida Statutes, is amended
 1495 to read:

1496 112.47 Hearing before Senate select committee;
 1497 notice.--The Senate shall afford each suspended official a
 1498 hearing before a select committee or special magistrate, ~~master,~~
 1499 ~~or examiner,~~ and shall notify such suspended official of the
 1500 time and place of the hearing sufficiently in advance thereof to
 1501 afford such official an opportunity fully and adequately to
 1502 prepare such defenses as the official may be advised are
 1503 necessary and proper, and all such defenses may be presented by
 1504 the official or by the official's attorney. In the furtherance
 1505 of this provision the Senate shall adopt sufficient procedural
 1506 rules to afford due process both to the Governor in the
 1507 presentation of his or her evidence and to the suspended
 1508 official, but in the absence of such adoption, this section
 1509 shall afford a full and complete hearing, public in nature, as
 1510 required by the State Constitution. However, nothing in this
 1511 part shall prevent either the select committee or the Senate
 1512 from conducting portions of the hearing in executive session if
 1513 the Senate rules so provide.

1514 Section 63. Subsection (2) of section 162.03, Florida
 1515 Statutes, is amended to read:

1516 162.03 Applicability.--

1517 (2) A charter county, a noncharter county, or a
 1518 municipality may, by ordinance, adopt an alternate code
 1519 enforcement system that ~~which~~ gives code enforcement boards or

1520 special magistrates ~~masters~~ designated by the local governing
1521 body, or both, the authority to hold hearings and assess fines
1522 against violators of the respective county or municipal codes
1523 and ordinances. A special magistrate ~~master~~ shall have the same
1524 status as an enforcement board under this chapter. References in
1525 this chapter to an enforcement board, except in s. 162.05, shall
1526 include a special magistrate ~~master~~ if the context permits.

1527 Section 64. Subsection (5) of section 162.06, Florida
1528 Statutes, is amended to read:

1529 162.06 Enforcement procedure.--

1530 (5) If the owner of property that ~~which~~ is subject to an
1531 enforcement proceeding before an enforcement board, special
1532 magistrate ~~master~~, or court transfers ownership of such property
1533 between the time the initial pleading was served and the time of
1534 the hearing, such owner shall:

1535 (a) Disclose, in writing, the existence and the nature of
1536 the proceeding to the prospective transferee.

1537 (b) Deliver to the prospective transferee a copy of the
1538 pleadings, notices, and other materials relating to the code
1539 enforcement proceeding received by the transferor.

1540 (c) Disclose, in writing, to the prospective transferee
1541 that the new owner will be responsible for compliance with the
1542 applicable code and with orders issued in the code enforcement
1543 proceeding.

1544 (d) File a notice with the code enforcement official of
1545 the transfer of the property, with the identity and address of
1546 the new owner and copies of the disclosures made to the new
1547 owner, within 5 days after the date of the transfer.

1548
1549 A failure to make the disclosures described in paragraphs (a),
1550 (b), and (c) before the transfer creates a rebuttable
1551 presumption of fraud. If the property is transferred before the
1552 hearing, the proceeding shall not be dismissed, but the new
1553 owner shall be provided a reasonable period of time to correct
1554 the violation before the hearing is held.

1555 Section 65. Paragraph (d) of subsection (2) of section
1556 162.09, Florida Statutes, is amended to read:

1557 162.09 Administrative fines; costs of repair; liens.--

1558 (2)

1559 (d) A county or a municipality having a population equal
1560 to or greater than 50,000 may adopt, by a vote of at least a
1561 majority plus one of the entire governing body of the county or
1562 municipality, an ordinance that gives code enforcement boards or
1563 special magistrates ~~masters~~, or both, authority to impose fines
1564 in excess of the limits set forth in paragraph(a). Such fines
1565 shall not exceed \$1,000 per day per violation for a first
1566 violation, \$5,000 per day per violation for a repeat violation,
1567 and up to \$15,000 per violation if the code enforcement board or
1568 special magistrate ~~master~~ finds the violation to be irreparable
1569 or irreversible in nature. In addition to such fines, a code
1570 enforcement board or special magistrate ~~master~~ may impose
1571 additional fines to cover all costs incurred by the local
1572 government in enforcing its codes and all costs of repairs
1573 pursuant to subsection (1). Any ordinance imposing such fines
1574 shall include criteria to be considered by the code enforcement
1575 board or special magistrate ~~master~~ in determining the amount of

1576 the fines, including, but not limited to, those factors set
1577 forth in paragraph (b).

1578 Section 66. Section 173.09, Florida Statutes, is amended
1579 to read:

1580 173.09 Judgment for complainant; special magistrate's
1581 ~~master's~~ sale; complainant may purchase and later sell.--

1582 (1) Any such decree shall direct the special magistrate
1583 ~~master~~ thereby appointed to sell the several parcels of land
1584 separately to the highest and best bidder for cash (or, at the
1585 option of complainant, to the extent of special assessments
1586 included in such judgment, for bonds or interest coupons issued
1587 by complainant), at public outcry at the courthouse door of the
1588 county in which such suit is pending, or at such point or place
1589 in the complainant municipality as the court in such final
1590 decree may direct, after having advertised such sale (which
1591 advertisement may include all lands so ordered sold) once each
1592 week for 2 consecutive weeks in some newspaper published in the
1593 city or town in which ~~is~~ the complainant is situated or, if
1594 there is no such newspaper, in a newspaper published in the
1595 county in which the suit is pending, and if all the lands so
1596 advertised for sale be not sold on the day specified in such
1597 advertisement, such sale shall be continued from day to day
1598 until the sale of all such land is completed.

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

1604 offered for sale by the special magistrate ~~master~~ and the sum of
 1605 the tax, tax certificates and special assessments, interest,
 1606 penalty, costs, and attorney's fee is not bid for the same, the
 1607 complainant may bid the whole amount due and the special
 1608 magistrate ~~master~~ shall thereupon convey such parcel or parcels
 1609 of land to the complainant.

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

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

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

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

1629 (2) Any and all conveyances by the special magistrate
 1630 ~~master~~ shall vest in the purchaser the fee simple title to the
 1631 property so sold, subject only to such liens for state and

1632 county taxes or taxing districts whose liens are of equal
1633 dignity, and liens for municipal taxes and special assessments,
1634 or installments thereof, as are not directed by the decree of
1635 sale to be paid out of the proceeds of said sale.

1636 Section 68. Section 173.11, Florida Statutes, is amended
1637 to read:

1638 173.11 Distribution of proceeds of sale.--The proceeds of
1639 any foreclosure sale authorized by this chapter shall be
1640 distributed by the special magistrate ~~master~~ conducting the sale
1641 according to the final decree, and if any surplus remains after
1642 the payment of the full amount of the decree, costs and
1643 attorney's fees, and any subsequent tax liens that ~~which~~ may be
1644 directed by such decree to be paid from the proceeds of sale,
1645 such surplus shall be deposited with the clerk of the court and
1646 disbursed under order of the court.

1647 Section 69. Section 173.12, Florida Statutes, is amended
1648 to read:

1649 173.12 Lands may be redeemed prior to sale.--Any person
1650 interested in any lands included in the suit may redeem such
1651 lands at any time prior to the sale thereof by the special
1652 magistrate ~~master~~ by paying into the registry of the court the
1653 amount due for delinquent taxes, interest and penalties thereon,
1654 and such proportionate part of the expense, attorney's fees, and
1655 costs of suit as may have been fixed by the court in its decree
1656 of sale, or by written stipulation of complainant, and thereupon
1657 such lands shall be dismissed from the cause.

1658 Section 70. Subsection (1) of section 194.013, Florida
1659 Statutes, is amended to read:

1660 194.013 Filing fees for petitions; disposition; waiver.--
1661 (1) If so required by resolution of the value adjustment
1662 board, a petition filed pursuant to s. 194.011 shall be
1663 accompanied by a filing fee to be paid to the clerk of the value
1664 adjustment board in an amount determined by the board not to
1665 exceed \$15 for each separate parcel of property, real or
1666 personal, covered by the petition and subject to appeal.
1667 However, no such filing fee may be required with respect to an
1668 appeal from the disapproval of homestead exemption under s.
1669 196.151 or from the denial of tax deferral under s. 197.253.
1670 Only a single filing fee shall be charged under this section as
1671 to any particular parcel of property despite the existence of
1672 multiple issues and hearings pertaining to such parcel. For
1673 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a
1674 single filing fee shall be charged. Such fee shall be calculated
1675 as the cost of the special magistrate ~~master~~ for the time
1676 involved in hearing the joint petition and shall not exceed \$5
1677 per parcel. Said fee is to be proportionately paid by affected
1678 parcel owners.

1679 Section 71. Paragraph (d) of subsection (1) and
1680 subsections (2) and (6) of section 194.034, Florida Statutes,
1681 are amended to read:

1682 194.034 Hearing procedures; rules.--

1683 (1)

1684 (d) Notwithstanding the provisions of this subsection, no
1685 petitioner may present for consideration, nor may a board or
1686 special magistrate ~~master~~ accept for consideration, testimony or
1687 other evidentiary materials that were requested of the

1688 petitioner in writing by the property appraiser of which the
1689 petitioner had knowledge and denied to the property appraiser.

1690 (2) In each case, except when a complaint is withdrawn by
1691 the petitioner or is acknowledged as correct by the property
1692 appraiser, the value adjustment board shall render a written
1693 decision. All such decisions shall be issued within 20 calendar
1694 days of the last day the board is in session under s. 194.032.
1695 The decision of the board shall contain findings of fact and
1696 conclusions of law and shall include reasons for upholding or
1697 overturning the determination of the property appraiser. When a
1698 special magistrate ~~master~~ has been appointed, the
1699 recommendations of the special magistrate ~~master~~ shall be
1700 considered by the board. The clerk, upon issuance of the
1701 decisions, shall, on a form provided by the Department of
1702 Revenue, notify by first-class mail each taxpayer, the property
1703 appraiser, and the department of the decision of the board.

1704 (6) For purposes of hearing joint petitions filed pursuant
1705 to s. 194.011(3)(e), each included parcel shall be considered by
1706 the board as a separate petition. Such separate petitions shall
1707 be heard consecutively by the board. If a special magistrate
1708 ~~master~~ is appointed, such separate petitions shall all be
1709 assigned to the same special magistrate ~~master~~.

1710 Section 72. Section 194.035, Florida Statutes, is amended
1711 to read:

1712 194.035 Special magistrates ~~masters~~; property
1713 evaluators.--

1714 (1) In counties having a population of more than 75,000,
1715 the board shall appoint special magistrates ~~masters~~ for the

1716 | purpose of taking testimony and making recommendations to the
1717 | board, which recommendations the board may act upon without
1718 | further hearing. These ~~Such~~ special magistrates ~~masters~~ may not
1719 | be elected or appointed officials or employees of the county but
1720 | shall be selected from a list of those qualified individuals who
1721 | are willing to serve as special magistrates ~~masters~~. Employees
1722 | and elected or appointed officials of a taxing jurisdiction or
1723 | of the state may not serve as special magistrates ~~masters~~. The
1724 | clerk of the board shall annually notify such individuals or
1725 | their professional associations to make known to them that
1726 | opportunities to serve as special magistrates ~~masters~~ exist. The
1727 | Department of Revenue shall provide a list of qualified special
1728 | magistrates ~~masters~~ to any county with a population of 75,000 or
1729 | less. Subject to appropriation, the department shall reimburse
1730 | counties with a population of 75,000 or less for payments made
1731 | to special magistrates ~~masters~~ appointed for the purpose of
1732 | taking testimony and making recommendations to the value
1733 | adjustment board pursuant to this section. The department shall
1734 | establish a reasonable range for payments per case to special
1735 | magistrates ~~masters~~ based on such payments in other counties.
1736 | Requests for reimbursement of payments outside this range shall
1737 | be justified by the county. If the total of all requests for
1738 | reimbursement in any year exceeds the amount available pursuant
1739 | to this section, payments to all counties shall be prorated
1740 | accordingly. A special magistrate ~~master~~ appointed to hear
1741 | issues of exemptions and classifications shall be a member of
1742 | The Florida Bar with no less than 5 years' experience in the
1743 | area of ad valorem taxation. A special magistrate ~~master~~

1744 appointed to hear issues regarding the valuation of real estate
 1745 shall be a state certified real estate appraiser with not less
 1746 than 5 years' experience in real property valuation. A special
 1747 magistrate ~~master~~ appointed to hear issues regarding the
 1748 valuation of tangible personal property shall be a designated
 1749 member of a nationally recognized appraiser's organization with
 1750 not less than 5 years' experience in tangible personal property
 1751 valuation. A special magistrate ~~master~~ need not be a resident of
 1752 the county in which he or she serves. A ~~No~~ special magistrate
 1753 may not ~~master shall be permitted to~~ represent a person before
 1754 the board in any tax year during which he or she has served that
 1755 board as a special magistrate ~~master~~. The board shall appoint
 1756 special magistrates ~~such masters~~ from the list so compiled prior
 1757 to convening of the board. The expense of hearings before
 1758 special magistrates ~~masters~~ and any compensation of special
 1759 magistrates ~~masters~~ shall be borne three-fifths by the board of
 1760 county commissioners and two-fifths by the school board.

1761 (2) The value adjustment board of each county may employ
 1762 qualified property appraisers or evaluators to appear before the
 1763 value adjustment board at that meeting of the board which is
 1764 held for the purpose of hearing complaints. Such property
 1765 appraisers or evaluators shall present testimony as to the just
 1766 value of any property the value of which is contested before the
 1767 board and shall submit to examination by the board, the
 1768 taxpayer, and the property appraiser.

1769 Section 73. Section 206.16, Florida Statutes, is amended
 1770 to read:

1771 206.16 Officer selling property.--

1772 (1) No sheriff, receiver, assignee, general or special
1773 magistrate ~~master~~, or other officer shall sell the property or
1774 franchise of any person for failure to pay fuel taxes,
1775 penalties, or interest without first filing with the department
1776 a statement containing the following information:

1777 (a) The name of the plaintiff or party at whose instance
1778 or upon whose account the sale is made;

1779 (b) The name of the person whose property or franchise is
1780 to be sold;

1781 (c) The time and place of sale; and

1782 (d) The nature of the property and the location of the
1783 same.

1784 (2) The department, after receiving notice as aforesaid,
1785 shall furnish to the sheriff, receiver, trustee, assignee,
1786 general or special magistrate ~~master~~, or other officer having
1787 charge of the sale a certified copy or copies of all fuel taxes,
1788 penalties, and interest on file in the office of the department
1789 as liens against such person, and, in the event there are no
1790 such liens, a certificate showing that fact, which certified
1791 copies or copy of certificate shall be publicly read by such
1792 officer at and immediately before the sale of the property or
1793 franchise of such person.

1794 Section 74. Section 207.016, Florida Statutes, is amended
1795 to read:

1796 207.016 Officer's sale of property or franchise.--

1797 (1) No sheriff, receiver, assignee, general or special
1798 magistrate ~~master~~, or other officer shall sell the property or
1799 franchise of any person for failure to pay taxes, penalties, or

1800 interest without first filing with the department a statement
 1801 containing the following information:

1802 (a) The name of the plaintiff or party at whose instance
 1803 or upon whose account the sale is made.

1804 (b) The name of the person whose property or franchise is
 1805 to be sold.

1806 (c) The time and place of sale.

1807 (d) The nature of the property and the location of the
 1808 same.

1809 (2) The department, after receiving notice as provided in
 1810 subsection (1), shall furnish to the sheriff, receiver, trustee,
 1811 assignee, general or special magistrate ~~master~~, or other officer
 1812 having charge of the sale a certified copy or copies of all
 1813 taxes, penalties, and interest on file in the office of the
 1814 department as liens against such person and, in the event there
 1815 are no such liens, a certificate showing that fact, which
 1816 certified copy or copies of certificate shall be publicly read
 1817 by such officer at and immediately before the sale of the
 1818 property or franchise of such person.

1819 Section 75. Section 320.411, Florida Statutes, is amended
 1820 to read:

1821 320.411 Officer's sale of property or franchise.--

1822 (1) No sheriff, receiver, assignee, general or special
 1823 magistrate ~~master~~, or other officer shall sell the property or
 1824 franchise of any motor carrier for failure to pay taxes,
 1825 penalties, or interest without first filing with the department
 1826 a statement containing the following information:

1827 (a) The name of the plaintiff or party at whose instance
 1828 or upon whose account the sale is made.

1829 (b) The name of the motor carrier whose property or
 1830 franchise is to be sold.

1831 (c) The time and place of sale.

1832 (d) The nature of the property and the location of the
 1833 same.

1834 (2) The department, after receiving notice as provided in
 1835 subsection (1), shall furnish to the sheriff, receiver, trustee,
 1836 assignee, general or special magistrate ~~master~~, or other officer
 1837 having charge of the sale a certified copy of all taxes,
 1838 penalties, and interest on file in the office of the department
 1839 as liens against such motor carrier and, in the event there are
 1840 no such liens, a certificate showing that fact, which certified
 1841 copy or copies of certificate shall be publicly read by such
 1842 officer at and immediately before the sale of the property or
 1843 franchise of such motor carrier.

1844 Section 76. Subsection (7) of section 393.11, Florida
 1845 Statutes, is amended to read:

1846 393.11 Involuntary admission to residential services.--

1847 (7) HEARING.--

1848 (a) The hearing for involuntary admission shall be
 1849 conducted, and the order shall be entered, in the county in
 1850 which the person is residing or be as convenient to the person
 1851 as may be consistent with orderly procedure. The hearing shall
 1852 be conducted in a physical setting not likely to be injurious to
 1853 the person's condition.

1854 (b) A hearing on the petition shall be held as soon as
1855 practicable after the petition is filed, but reasonable delay
1856 for the purpose of investigation, discovery, or procuring
1857 counsel or witnesses shall be granted.

1858 (c) The court may appoint a general or special magistrate
1859 ~~master~~ to preside. Except as otherwise specified, the
1860 magistrate's ~~master's~~ proceeding shall be governed by Rule
1861 1.490, Florida Rules of Civil Procedure.

1862 (d) The person with mental retardation shall be physically
1863 present throughout the entire proceeding. If the person's
1864 attorney believes that the person's presence at the hearing is
1865 not in the person's best interest, the person's presence may be
1866 waived once the court has seen the person and the hearing has
1867 commenced.

1868 (e) The person shall have the right to present evidence
1869 and to cross-examine all witnesses and other evidence alleging
1870 the appropriateness of the person's admission to residential
1871 care. Other relevant and material evidence regarding the
1872 appropriateness of the person's admission to residential
1873 services; the most appropriate, least restrictive residential
1874 placement; and the appropriate care, treatment, and habilitation
1875 of the person, including written or oral reports, may be
1876 introduced at the hearing by any interested person.

1877 (f) The petitioning commission may be represented by
1878 counsel at the hearing. The petitioning commission shall have
1879 the right to call witnesses, present evidence, cross-examine
1880 witnesses, and present argument on behalf of the petitioning
1881 commission.

1882 (g) All evidence shall be presented according to chapter
1883 90. The burden of proof shall be on the party alleging the
1884 appropriateness of the person's admission to residential
1885 services. The burden of proof shall be by clear and convincing
1886 evidence.

1887 (h) All stages of each proceeding shall be
1888 stenographically reported.

1889 Section 77. Subsections (6) and (7) of section 394.467,
1890 Florida Statutes, are amended to read:

1891 394.467 Involuntary placement.--

1892 (6) HEARING ON INVOLUNTARY PLACEMENT.--

1893 (a)1. The court shall hold the hearing on involuntary
1894 placement within 5 days, unless a continuance is granted. The
1895 hearing shall be held in the county where the patient is located
1896 and shall be as convenient to the patient as may be consistent
1897 with orderly procedure and shall be conducted in physical
1898 settings not likely to be injurious to the patient's condition.
1899 If the court finds that the patient's attendance at the hearing
1900 is not consistent with the best interests of the patient, and
1901 the patient's counsel does not object, the court may waive the
1902 presence of the patient from all or any portion of the hearing.
1903 The state attorney for the circuit in which the patient is
1904 located shall represent the state, rather than the petitioning
1905 facility administrator, as the real party in interest in the
1906 proceeding.

1907 2. The court may appoint a general or special magistrate
1908 ~~master~~ to preside at the hearing. One of the professionals who
1909 executed the involuntary placement certificate shall be a

1910 witness. The patient and the patient's guardian or
1911 representative shall be informed by the court of the right to an
1912 independent expert examination. If the patient cannot afford
1913 such an examination, the court shall provide for one. The
1914 independent expert's report shall be confidential and not
1915 discoverable, unless the expert is to be called as a witness for
1916 the patient at the hearing. The testimony in the hearing must be
1917 given under oath, and the proceedings must be recorded. The
1918 patient may refuse to testify at the hearing.

1919 (b) If the court concludes that the patient meets the
1920 criteria for involuntary placement, it shall order that the
1921 patient be transferred to a treatment facility or, if the
1922 patient is at a treatment facility, that the patient be retained
1923 there or be treated at any other appropriate receiving or
1924 treatment facility, or that the patient receive services from a
1925 receiving or treatment facility, on an involuntary basis, for a
1926 period of up to 6 months. The order shall specify the nature and
1927 extent of the patient's mental illness. The facility shall
1928 discharge a patient any time the patient no longer meets the
1929 criteria for involuntary placement, unless the patient has
1930 transferred to voluntary status.

1931 (c) If at any time prior to the conclusion of the hearing
1932 on involuntary placement it appears to the court that the person
1933 does not meet the criteria for involuntary placement under this
1934 chapter, but instead meets the criteria for involuntary
1935 assessment, protective custody, or involuntary admission
1936 pursuant to s. 397.675, then the court may order the person to
1937 be admitted for involuntary assessment for a period of 5 days

1938 pursuant to s. 397.6811. Thereafter, all proceedings shall be
1939 governed by chapter 397.

1940 (d) At the hearing on involuntary placement, the court
1941 shall consider testimony and evidence regarding the patient's
1942 competence to consent to treatment. If the court finds that the
1943 patient is incompetent to consent to treatment, it shall appoint
1944 a guardian advocate as provided in s. 394.4598.

1945 (e) The administrator of the receiving facility shall
1946 provide a copy of the court order and adequate documentation of
1947 a patient's mental illness to the administrator of a treatment
1948 facility whenever a patient is ordered for involuntary
1949 placement, whether by civil or criminal court. Such
1950 documentation shall include any advance directives made by the
1951 patient, a psychiatric evaluation of the patient, and any
1952 evaluations of the patient performed by a clinical psychologist
1953 or a clinical social worker. The administrator of a treatment
1954 facility may refuse admission to any patient directed to its
1955 facilities on an involuntary basis, whether by civil or criminal
1956 court order, who is not accompanied at the same time by adequate
1957 orders and documentation.

1958 (7) PROCEDURE FOR CONTINUED INVOLUNTARY PLACEMENT.--

1959 (a) Hearings on petitions for continued involuntary
1960 placement shall be administrative hearings and shall be
1961 conducted in accordance with the provisions of s. 120.57(1),
1962 except that any order entered by the administrative law judge
1963 ~~hearing officer~~ shall be final and subject to judicial review in
1964 accordance with s. 120.68. Orders concerning patients committed

1965 after successfully pleading not guilty by reason of insanity
1966 shall be governed by the provisions of s. 916.15.

1967 (b) If the patient continues to meet the criteria for
1968 involuntary placement, the administrator shall, prior to the
1969 expiration of the period during which the treatment facility is
1970 authorized to retain the patient, file a petition requesting
1971 authorization for continued involuntary placement. The request
1972 shall be accompanied by a statement from the patient's physician
1973 or clinical psychologist justifying the request, a brief
1974 description of the patient's treatment during the time he or she
1975 was involuntarily placed, and an individualized plan of
1976 continued treatment. Notice of the hearing shall be provided as
1977 set forth in s. 394.4599. If at the hearing the administrative
1978 law judge ~~hearing officer~~ finds that attendance at the hearing
1979 is not consistent with the best interests of the patient, the
1980 administrative law judge ~~hearing officer~~ may waive the presence
1981 of the patient from all or any portion of the hearing, unless
1982 the patient, through counsel, objects to the waiver of presence.
1983 The testimony in the hearing must be under oath, and the
1984 proceedings must be recorded.

1985 (c) Unless the patient is otherwise represented or is
1986 ineligible, he or she shall be represented at the hearing on the
1987 petition for continued involuntary placement by the public
1988 defender of the circuit in which the facility is located.

1989 (d) If at a hearing it is shown that the patient continues
1990 to meet the criteria for involuntary placement, the
1991 administrative law judge shall sign the order for continued
1992 involuntary placement for a period not to exceed 6 months. The

1993 same procedure shall be repeated prior to the expiration of each
 1994 additional period the patient is retained.

1995 (e) If continued involuntary placement is necessary for a
 1996 patient admitted while serving a criminal sentence, but whose
 1997 sentence is about to expire, or for a patient involuntarily
 1998 placed while a minor but who is about to reach the age of 18,
 1999 the administrator shall petition the administrative law judge
 2000 for an order authorizing continued involuntary placement.

2001 (f) If the patient has been previously found incompetent
 2002 to consent to treatment, the administrative law judge hearing
 2003 ~~officer~~ shall consider testimony and evidence regarding the
 2004 patient's competence. If the administrative law judge hearing
 2005 ~~officer~~ finds evidence that the patient is now competent to
 2006 consent to treatment, the administrative law judge hearing
 2007 ~~officer~~ may issue a recommended order to the court that found
 2008 the patient incompetent to consent to treatment that the
 2009 patient's competence be restored and that any guardian advocate
 2010 previously appointed be discharged.

2011 Section 78. Subsection (7) of section 397.311, Florida
 2012 Statutes, is amended to read:

2013 397.311 Definitions.--As used in this chapter, except part
 2014 VIII:

2015 (7) "Court" means, with respect to all involuntary
 2016 proceedings under this chapter, the circuit court of the county
 2017 in which the judicial proceeding is pending or where the
 2018 substance abuse impaired person resides or is located, and
 2019 includes any general or special magistrate ~~master~~ that may be
 2020 appointed by the chief judge to preside over all or part of such

2021 proceeding. Otherwise, "court" refers to the court of legal
 2022 jurisdiction in the context in which the term is used in this
 2023 chapter.

2024 Section 79. Subsection (1) of section 397.681, Florida
 2025 Statutes, is amended to read:

2026 397.681 Involuntary petitions; general provisions; court
 2027 jurisdiction and right to counsel.--

2028 (1) JURISDICTION.--The courts have jurisdiction of
 2029 involuntary assessment and stabilization petitions and
 2030 involuntary treatment petitions for substance abuse impaired
 2031 persons, and such petitions must be filed with the clerk of the
 2032 court in the county where the person is located. The chief judge
 2033 may appoint a general or special magistrate ~~master~~ to preside
 2034 over all or part of the proceedings. The alleged impaired person
 2035 is named as the respondent.

2036 Section 80. Subsection (5) of section 447.207, Florida
 2037 Statutes, is amended to read:

2038 447.207 Commission; powers and duties.--

2039 (5) The commission shall adopt rules as to the
 2040 qualifications of persons who may serve as mediators and special
 2041 magistrates ~~masters~~ and shall maintain lists of such qualified
 2042 persons who are not employees of the commission. The commission
 2043 may initiate dispute resolution procedures by special
 2044 magistrates ~~masters~~, pursuant to the provisions of this part.

2045 Section 81. Subsections (2), (3), and (4) of section
 2046 447.403, Florida Statutes, are amended to read:

2047 447.403 Resolution of impasses.--

2048 (2)(a) If no mediator is appointed, or upon the request of
2049 either party, the commission shall appoint, and submit all
2050 unresolved issues to, a special magistrate ~~master~~ acceptable to
2051 both parties. If the parties are unable to agree on the
2052 appointment of a special magistrate ~~master~~, the commission shall
2053 appoint, in its discretion, a qualified special magistrate
2054 ~~master~~. However, if the parties agree in writing to waive the
2055 appointment of a special magistrate ~~master~~, the parties may
2056 proceed directly to resolution of the impasse by the legislative
2057 body pursuant to paragraph (4)(d). Nothing in this section
2058 precludes the parties from using the services of a mediator at
2059 any time during the conduct of collective bargaining.

2060 (b) If the Governor is the public employer, no special
2061 magistrate ~~master~~ shall be appointed. The parties may proceed
2062 directly to the Legislature for resolution of the impasse
2063 pursuant to paragraph (4)(d).

2064 (3) The special magistrate ~~master~~ shall hold hearings in
2065 order to define the area or areas of dispute, to determine facts
2066 relating to the dispute, and to render a decision on any and all
2067 unresolved contract issues. The hearings shall be held at times,
2068 dates, and places to be established by the special magistrate
2069 ~~master~~ in accordance with rules promulgated by the commission.
2070 The special magistrate ~~master~~ shall be empowered to administer
2071 oaths and issue subpoenas on behalf of the parties to the
2072 dispute or on his or her own behalf. Within 15 calendar days
2073 after the close of the final hearing, the special magistrate
2074 ~~master~~ shall transmit his or her recommended decision to the
2075 commission and to the representatives of both parties by

2076 registered mail, return receipt requested. Such recommended
2077 decision shall be discussed by the parties, and each
2078 recommendation of the special magistrate ~~master~~ shall be deemed
2079 approved by both parties unless specifically rejected by either
2080 party by written notice filed with the commission within 20
2081 calendar days after the date the party received the special
2082 magistrate's ~~master's~~ recommended decision. The written notice
2083 shall include a statement of the cause for each rejection and
2084 shall be served upon the other party.

2085 (4) If either the public employer or the employee
2086 organization does not accept, in whole or in part, the
2087 recommended decision of the special magistrate ~~master~~:

2088 (a) The chief executive officer of the governmental entity
2089 involved shall, within 10 days after rejection of a
2090 recommendation of the special magistrate ~~master~~, submit to the
2091 legislative body of the governmental entity involved a copy of
2092 the findings of fact and recommended decision of the special
2093 magistrate ~~master~~, together with the chief executive officer's
2094 recommendations for settling the disputed impasse issues. The
2095 chief executive officer shall also transmit his or her
2096 recommendations to the employee organization;

2097 (b) The employee organization shall submit its
2098 recommendations for settling the disputed impasse issues to such
2099 legislative body and to the chief executive officer;

2100 (c) The legislative body or a duly authorized committee
2101 thereof shall forthwith conduct a public hearing at which the
2102 parties shall be required to explain their positions with

2103 | respect to the rejected recommendations of the special
 2104 | magistrate ~~master~~;

2105 | (d) Thereafter, the legislative body shall take such
 2106 | action as it deems to be in the public interest, including the
 2107 | interest of the public employees involved, to resolve all
 2108 | disputed impasse issues; and

2109 | (e) Following the resolution of the disputed impasse
 2110 | issues by the legislative body, the parties shall reduce to
 2111 | writing an agreement which includes those issues agreed to by
 2112 | the parties and those disputed impasse issues resolved by the
 2113 | legislative body's action taken pursuant to paragraph(d). The
 2114 | agreement shall be signed by the chief executive officer and the
 2115 | bargaining agent and shall be submitted to the public employer
 2116 | and to the public employees who are members of the bargaining
 2117 | unit for ratification. If such agreement is not ratified by all
 2118 | parties, pursuant to the provisions of s. 447.309, the
 2119 | legislative body's action taken pursuant to the provisions of
 2120 | paragraph (d) shall take effect as of the date of such
 2121 | legislative body's action for the remainder of the first fiscal
 2122 | year which was the subject of negotiations; however, the
 2123 | legislative body's action shall not take effect with respect to
 2124 | those disputed impasse issues which establish the language of
 2125 | contractual provisions which could have no effect in the absence
 2126 | of a ratified agreement, including, but not limited to,
 2127 | preambles, recognition clauses, and duration clauses.

2128 | Section 82. Section 447.405, Florida Statutes, is amended
 2129 | to read:

2130 447.405 Factors to be considered by the special magistrate
 2131 ~~master~~.--The special magistrate ~~master~~ shall conduct the
 2132 hearings and render recommended decisions with the objective of
 2133 achieving a prompt, peaceful, and just settlement of disputes
 2134 between the public employee organizations and the public
 2135 employers. The factors, among others, to be given weight by the
 2136 special magistrate ~~master~~ in arriving at a recommended decision
 2137 shall include:

2138 (1) Comparison of the annual income of employment of the
 2139 public employees in question with the annual income of
 2140 employment maintained for the same or similar work of employees
 2141 exhibiting like or similar skills under the same or similar
 2142 working conditions in the local operating area involved.

2143 (2) Comparison of the annual income of employment of the
 2144 public employees in question with the annual income of
 2145 employment of public employees in similar public employee
 2146 governmental bodies of comparable size within the state.

2147 (3) The interest and welfare of the public.

2148 (4) Comparison of peculiarities of employment in regard to
 2149 other trades or professions, specifically with respect to:

- 2150 (a) Hazards of employment.
- 2151 (b) Physical qualifications.
- 2152 (c) Educational qualifications.
- 2153 (d) Intellectual qualifications.
- 2154 (e) Job training and skills.
- 2155 (f) Retirement plans.
- 2156 (g) Sick leave.
- 2157 (h) Job security.

2158 (5) Availability of funds.

2159 Section 83. Section 447.407, Florida Statutes, is amended
2160 to read:

2161 447.407 Compensation of mediator and special magistrate
2162 ~~master~~; expenses.--The compensation of the mediator and special
2163 magistrate ~~master~~, and all stenographic and other expenses,
2164 shall be borne equally by the parties.

2165 Section 84. Section 447.409, Florida Statutes, is amended
2166 to read:

2167 447.409 Records.--All records that ~~which~~ are relevant to,
2168 or have a bearing upon, any issue or issues raised by the
2169 proceedings conducted by the special magistrate ~~master~~ shall be
2170 made available to the special magistrate ~~master~~ by a request in
2171 writing to any of the parties to the impasse proceedings. Notice
2172 of such request must ~~shall~~ be furnished to all parties. Any such
2173 records that ~~which~~ are made available to the special magistrate
2174 must ~~master shall~~ also be made available to any other party to
2175 the impasse proceedings, upon written request.

2176 Section 85. Subsection (1) of section 475.011, Florida
2177 Statutes, is amended to read:

2178 475.011 Exemptions.--This part does not apply to:

2179 (1) Any person acting as an attorney in fact for the
2180 purpose of the execution of contracts or conveyances only; as an
2181 attorney at law within the scope of her or his duties as such;
2182 as a certified public accountant, as defined in chapter 473,
2183 within the scope of her or his duties as such; as the personal
2184 representative, receiver, trustee, or general or special
2185 magistrate ~~master~~ under, or by virtue of, an appointment by will

2186 or by order of a court of competent jurisdiction; or as trustee
 2187 under a deed of trust, or under a trust agreement, the ultimate
 2188 purpose and intent whereof is charitable, is philanthropic, or
 2189 provides for those having a natural right to the bounty of the
 2190 donor or trustor.

2191 Section 86. Paragraphs (d), (f), (g), (h), and (j) of
 2192 subsection (5) of section 489.127, Florida Statutes, are amended
 2193 to read:

2194 489.127 Prohibitions; penalties.--

2195 (5) Each county or municipality may, at its option,
 2196 designate one or more of its code enforcement officers, as
 2197 defined in chapter 162, to enforce, as set out in this
 2198 subsection, the provisions of subsection (1) and s. 489.132(1)
 2199 against persons who engage in activity for which a county or
 2200 municipal certificate of competency or license or state
 2201 certification or registration is required.

2202 (d) The act for which the citation is issued shall be
 2203 ceased upon receipt of the citation; and the person charged with
 2204 the violation shall elect either to correct the violation and
 2205 pay the civil penalty in the manner indicated on the citation
 2206 or, within 10 days of receipt of the citation, exclusive of
 2207 weekends and legal holidays, request an administrative hearing
 2208 before the enforcement or licensing board or designated special
 2209 magistrate ~~master~~ to appeal the issuance of the citation by the
 2210 code enforcement officer.

2211 1. Hearings shall be held before an enforcement or
 2212 licensing board or designated special magistrate ~~master~~ as

2213 established by s. 162.03(2), and such hearings shall be
2214 conducted pursuant to the requirements of ss. 162.07 and 162.08.

2215 2. Failure of a violator to appeal the decision of the
2216 code enforcement officer within the time period set forth in
2217 this paragraph shall constitute a waiver of the violator's right
2218 to an administrative hearing. A waiver of the right to an
2219 administrative hearing shall be deemed an admission of the
2220 violation, and penalties may be imposed accordingly.

2221 3. If the person issued the citation, or his or her
2222 designated representative, shows that the citation is invalid or
2223 that the violation has been corrected prior to appearing before
2224 the enforcement or licensing board or designated special
2225 magistrate ~~master~~, the enforcement or licensing board or
2226 designated special magistrate ~~master~~ may dismiss the citation
2227 unless the violation is irreparable or irreversible.

2228 4. Each day a willful, knowing violation continues shall
2229 constitute a separate offense under the provisions of this
2230 subsection.

2231 (f) If the enforcement or licensing board or designated
2232 special magistrate ~~master~~ finds that a violation exists, the
2233 enforcement or licensing board or designated special magistrate
2234 ~~master~~ may order the violator to pay a civil penalty of not less
2235 than the amount set forth on the citation but not more than
2236 \$1,000 per day for each violation. In determining the amount of
2237 the penalty, the enforcement or licensing board or designated
2238 special magistrate ~~master~~ shall consider the following factors:

2239 1. The gravity of the violation.

2240 2. Any actions taken by the violator to correct the
2241 violation.

2242 3. Any previous violations committed by the violator.

2243 (g) Upon written notification by the code enforcement
2244 officer that a violator had not contested the citation or paid
2245 the civil penalty within the timeframe allowed on the citation,
2246 or if a violation has not been corrected within the timeframe
2247 set forth on the notice of violation, the enforcement or
2248 licensing board or the designated special magistrate ~~master~~
2249 shall enter an order ordering the violator to pay the civil
2250 penalty set forth on the citation or notice of violation, and a
2251 hearing shall not be necessary for the issuance of such order.

2252 (h) A certified copy of an order imposing a civil penalty
2253 against an uncertified contractor may be recorded in the public
2254 records and thereafter shall constitute a lien against any real
2255 or personal property owned by the violator. Upon petition to the
2256 circuit court, such order may be enforced in the same manner as
2257 a court judgment by the sheriffs of this state, including a levy
2258 against personal property; however, such order shall not be
2259 deemed to be a court judgment except for enforcement purposes. A
2260 civil penalty imposed pursuant to this part shall continue to
2261 accrue until the violator comes into compliance or until
2262 judgment is rendered in a suit to foreclose on a lien filed
2263 pursuant to this subsection, whichever occurs first. After 3
2264 months from the filing of any such lien which remains unpaid,
2265 the enforcement board or licensing board or designated special
2266 magistrate ~~master~~ may authorize the local governing body's
2267 attorney to foreclose on the lien. No lien created pursuant to

2268 the provisions of this part may be foreclosed on real property
2269 which is a homestead under s. 4, Art. X of the State
2270 Constitution.

2271 (j) An aggrieved party, including the local governing
2272 body, may appeal a final administrative order of an enforcement
2273 board or licensing board or designated special magistrate ~~master~~
2274 to the circuit court. Such an appeal shall not be a hearing de
2275 novo but shall be limited to appellate review of the record
2276 created before the enforcement board or licensing board or
2277 designated special magistrate ~~master~~. An appeal shall be filed
2278 within 30 days of the execution of the order to be appealed.

2279 Section 87. Paragraphs (d), (f), (g), (h), and (j) of
2280 subsection (4) of section 489.531, Florida Statutes, are amended
2281 to read:

2282 489.531 Prohibitions; penalties.--

2283 (4) Each county or municipality may, at its option,
2284 designate one or more of its code enforcement officers, as
2285 defined in chapter 162, to enforce, as set out in this
2286 subsection, the provisions of subsection (1) against persons who
2287 engage in activity for which county or municipal certification
2288 is required.

2289 (d) The act for which the citation is issued shall be
2290 ceased upon receipt of the citation; and the person charged with
2291 the violation shall elect either to correct the violation and
2292 pay the civil penalty in the manner indicated on the citation
2293 or, within 10 days of receipt of the citation, exclusive of
2294 weekends and legal holidays, request an administrative hearing
2295 before the enforcement or licensing board or designated special

2296 magistrate ~~master~~ to appeal the issuance of the citation by the
2297 code enforcement officer.

2298 1. Hearings shall be held before an enforcement or
2299 licensing board or designated special magistrate ~~master~~ as
2300 established by s. 162.03(2) and such hearings shall be conducted
2301 pursuant to ss. 162.07 and 162.08.

2302 2. Failure of a violator to appeal the decision of the
2303 code enforcement officer within the time period set forth in
2304 this paragraph shall constitute a waiver of the violator's right
2305 to an administrative hearing. A waiver of the right to
2306 administrative hearing shall be deemed an admission of the
2307 violation and penalties may be imposed accordingly.

2308 3. If the person issued the citation, or his or her
2309 designated representative, shows that the citation is invalid or
2310 that the violation has been corrected prior to appearing before
2311 the enforcement or licensing board or designated special
2312 magistrate ~~master~~, the enforcement or licensing board or
2313 designated special magistrate ~~master~~ shall dismiss the citation
2314 unless the violation is irreparable or irreversible.

2315 4. Each day a willful, knowing violation continues shall
2316 constitute a separate offense under the provisions of this
2317 subsection.

2318 (f) If the enforcement or licensing board or designated
2319 special magistrate ~~master~~ finds that a violation exists, the
2320 enforcement or licensing board or designated special magistrate
2321 ~~master~~ may order the violator to pay a civil penalty of not less
2322 than the amount set forth on the citation but not more than \$500
2323 per day for each violation. In determining the amount of the

2324 penalty, the enforcement or licensing board or designated
 2325 special magistrate ~~master~~ shall consider the following factors:

- 2326 1. The gravity of the violation.
- 2327 2. Any actions taken by the violator to correct the
- 2328 violation.
- 2329 3. Any previous violations committed by the violator.

2330 (g) Upon written notification by the code enforcement
 2331 officer that a violator had not contested the citation or paid
 2332 the civil penalty within the timeframe allowed on the citation,
 2333 or if a violation has not been corrected within the timeframe
 2334 set forth on the notice of violation, the enforcement or
 2335 licensing board or the designated special magistrate ~~master~~
 2336 shall enter an order ordering the violator to pay the civil
 2337 penalty set forth on the citation or notice of violation, and a
 2338 hearing shall not be necessary for the issuance of such order.

2339 (h) A certified copy of an order imposing a civil penalty
 2340 against an uncertified contractor may be recorded in the public
 2341 records and thereafter shall constitute a lien against any real
 2342 or personal property owned by the violator. Upon petition to the
 2343 circuit court, such order may be enforced in the same manner as
 2344 a court judgment by the sheriffs of this state, including a levy
 2345 against personal property; however, such order shall not be
 2346 deemed to be a court judgment except for enforcement purposes.
 2347 A civil penalty imposed pursuant to this part shall continue to
 2348 accrue until the violator comes into compliance or until
 2349 judgment is rendered in a suit to foreclose on a lien filed
 2350 pursuant to this section, whichever occurs first. After 3 months
 2351 from the filing of any such lien which remains unpaid, the

2352 enforcement or licensing board or designated special magistrate
2353 ~~master~~ may authorize the local governing body's attorney to
2354 foreclose on the lien. No lien created pursuant to the
2355 provisions of this part may be foreclosed on real property which
2356 is a homestead under s. 4, Art. X of the State Constitution.

2357 (j) An aggrieved party, including the local governing
2358 body, may appeal a final administrative order of an enforcement
2359 or licensing board or ~~special~~ designated special magistrate
2360 ~~master~~ to the circuit court. Such an appeal shall not be a
2361 hearing de novo but shall be limited to appellate review of the
2362 record created before the enforcement or licensing board or
2363 designated special magistrate ~~master~~. An appeal shall be filed
2364 within 30 days of the execution of the order to be appealed.

2365 Section 88. Subsection (1) of section 496.420, Florida
2366 Statutes, is amended to read:

2367 496.420 Civil remedies and enforcement.--

2368 (1) In addition to other remedies authorized by law, the
2369 department may bring a civil action in circuit court to enforce
2370 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
2371 person has violated any of these sections, a court may make any
2372 necessary order or enter a judgment including, but not limited
2373 to, a temporary or permanent injunction, a declaratory judgment,
2374 the appointment of a general or special magistrate ~~master~~ or
2375 receiver, the sequestration of assets, the reimbursement of
2376 persons from whom contributions have been unlawfully solicited,
2377 the distribution of contributions in accordance with the
2378 charitable or sponsor purpose expressed in the registration
2379 statement or in accordance with the representations made to the

2380 person solicited, the reimbursement of the department for
2381 investigative costs, attorney's fees and costs, and any other
2382 equitable relief the court finds appropriate. Upon a finding
2383 that any person has violated any provision of ss. 496.401-
2384 496.424 or s. 496.426 with actual knowledge or knowledge fairly
2385 implied on the basis of objective circumstances, a court may
2386 enter an order imposing a civil penalty in an amount not to
2387 exceed \$10,000 per violation.

2388 Section 89. Subsection (3) of section 501.207, Florida
2389 Statutes, is amended to read:

2390 501.207 Remedies of enforcing authority.--

2391 (3) Upon motion of the enforcing authority or any
2392 interested party in any action brought under subsection (1), the
2393 court may make appropriate orders, including, but not limited
2394 to, appointment of a general or special magistrate ~~master~~ or
2395 receiver or sequestration or freezing of assets, to reimburse
2396 consumers or governmental entities found to have been damaged;
2397 to carry out a transaction in accordance with the reasonable
2398 expectations of consumers or governmental entities; to strike or
2399 limit the application of clauses of contracts to avoid an
2400 unconscionable result; to order any defendant to divest herself
2401 or himself of any interest in any enterprise, including real
2402 estate; to impose reasonable restrictions upon the future
2403 activities of any defendant to impede her or him from engaging
2404 in or establishing the same type of endeavor; to order the
2405 dissolution or reorganization of any enterprise; or to grant
2406 legal, equitable, or other appropriate relief. The court may
2407 assess the expenses of a general or special magistrate ~~master~~ or

2408 receiver against a person who has violated, is violating, or is
 2409 otherwise likely to violate this part. Any injunctive order,
 2410 whether temporary or permanent, issued by the court shall be
 2411 effective throughout the state unless otherwise provided in the
 2412 order.

2413 Section 90. Section 501.618, Florida Statutes, is amended
 2414 to read:

2415 501.618 General civil remedies.--The department may bring:

2416 (1) An action to obtain a declaratory judgment that an act
 2417 or practice violates the provisions of this part.

2418 (2) An action to enjoin a person who has violated, is
 2419 violating, or is otherwise likely to violate the provisions of
 2420 this part.

2421 (3) An action on behalf of one or more purchasers for the
 2422 actual damages caused by an act or practice performed in
 2423 violation of the provisions of this part. Such an action may
 2424 include, but is not limited to, an action to recover against a
 2425 bond, letter of credit, or certificate of deposit as otherwise
 2426 provided in this part.

2427
 2428 Upon motion of the enforcing authority in any action brought
 2429 under this section, the court may make appropriate orders,
 2430 including appointment of a general or special magistrate ~~master~~
 2431 or receiver or sequestration of assets, to reimburse consumers
 2432 found to have been damaged, to carry out a consumer transaction
 2433 in accordance with the consumer's reasonable expectations, or to
 2434 grant other appropriate relief. The court may assess the
 2435 expenses of a general or special magistrate ~~master~~ or receiver

2436 | against a commercial telephone seller. Any injunctive order,
 2437 | whether temporary or permanent, issued by the court shall be
 2438 | effective throughout the state unless otherwise provided in the
 2439 | order.

2440 | Section 91. Subsection (6) of section 559.936, Florida
 2441 | Statutes, is amended to read:

2442 | 559.936 Civil penalties; remedies.--

2443 | (6) Upon motion of the department in any action brought
 2444 | under this part, the court may make appropriate orders,
 2445 | including appointment of a general or special magistrate ~~master~~
 2446 | or receiver or sequestration of assets, to reimburse consumers
 2447 | found to have been damaged, to carry out a consumer transaction
 2448 | in accordance with the consumer's reasonable expectations, or to
 2449 | grant other appropriate relief.

2450 | Section 92. Subsection (1) of section 582.23, Florida
 2451 | Statutes, is amended to read:

2452 | 582.23 Performance of work under the regulations by the
 2453 | supervisors.--

2454 | (1) The supervisors may go upon any lands within the
 2455 | district to determine whether land use regulations adopted are
 2456 | being observed. Where the supervisors of any district shall find
 2457 | that any of the provisions of land use regulations adopted are
 2458 | not being observed on particular lands, and that such
 2459 | nonobservance tends to increase erosion on such lands and is
 2460 | interfering with the prevention or control of erosion on other
 2461 | lands within the district, the supervisors may present to the
 2462 | circuit court for the county or counties within which the lands
 2463 | of the defendant may lie, a petition, duly verified, setting

2464 | forth the adoption of the land use regulations, the failure of
2465 | the defendant landowner or occupier to observe such regulations,
2466 | and to perform particular work, operations, or avoidances as
2467 | required thereby, and that such nonobservance tends to increase
2468 | erosion on such lands and is interfering with the prevention or
2469 | control of erosion on other lands within the district, and
2470 | praying the court to require the defendant to perform the work,
2471 | operations, or avoidances within a reasonable time and to order
2472 | that if the defendant shall fail so to perform the supervisors
2473 | may go on the land, perform the work or other operations or
2474 | otherwise bring the condition of such lands into conformity with
2475 | the requirements of such regulations, and recover the costs and
2476 | expenses thereof, with interest, from the owner of such land.
2477 | Upon the presentation of such petition the court shall cause
2478 | process to be issued against the defendant, and shall hear the
2479 | case. If it shall appear to the court that testimony is
2480 | necessary for the proper disposition of the matter, it may take
2481 | evidence or appoint a special magistrate ~~master~~ to take such
2482 | evidence as it may direct and report the same to the court
2483 | within her or his findings of fact and conclusions of law, which
2484 | shall constitute a part of the proceedings upon which the
2485 | determination of the court shall be made.

2486 | Section 93. Subsection (2) of section 631.182, Florida
2487 | Statutes, is amended to read:

2488 | 631.182 Receiver claims report and claimants objections
2489 | procedure.--

2490 | (2) At the hearing, any interested person is entitled to
2491 | appear. The hearing shall not be de novo but shall be limited to

2492 the record as described in s. 631.181(2). The court shall enter
2493 an order allowing, allowing in part, or disallowing the claim.
2494 Any such order is deemed to be an appealable order. In the
2495 interests of judicial economy, the court may appoint a special
2496 magistrate ~~master~~ to resolve objections or to perform any
2497 particular service required by the court. This subsection shall
2498 apply to receivership proceedings commencing prior to, or
2499 subsequent to, July 1, 1997.

2500 Section 94. Subsections (3) and (4) of section 631.331,
2501 Florida Statutes, are amended to read:

2502 631.331 Assessment prima facie correct; notice; payment;
2503 proceeding to collect.--

2504 (3) If any such member or subscriber fails to pay the
2505 assessment within the period specified in the notice, which
2506 period shall not be less than 20 days after mailing, the
2507 department may obtain an order in the delinquency proceeding
2508 requiring the member or subscriber to show cause at a time and
2509 place fixed by the court why judgment should not be entered
2510 against such member or subscriber for the amount of the
2511 assessment, together with all costs. ~~and~~ A copy of the order
2512 and a copy of the petition therefor shall be served upon the
2513 member or subscriber within the time and in the manner
2514 designated in the order.

2515 (4) If the subscriber or member after due service of a
2516 copy of the order and petition referred to in subsection (3) is
2517 made upon her or him:

2518 (a) Fails to appear at the time and place specified in the
 2519 order, judgment shall be entered against her or him as prayed
 2520 for in the petition; or

2521 (b) Appears in the manner and form required by law in
 2522 response to the order, the court shall hear and determine the
 2523 matter and enter a judgment in accordance with its decision. In
 2524 the interests of judicial economy, the court may appoint a
 2525 special magistrate ~~master~~ to resolve objections or to perform
 2526 any particular service required by the court. This paragraph
 2527 shall apply to receivership proceedings commencing prior to, or
 2528 subsequent to, July 1, 1997.

2529 Section 95. Subsection (2) of section 633.052, Florida
 2530 Statutes, is amended to read:

2531 633.052 Ordinances relating to firesafety; definitions;
 2532 penalties.--

2533 (2) A county or municipality that ~~which~~ has created a code
 2534 enforcement board or special magistrate ~~master~~ system pursuant
 2535 to chapter 162 may enforce firesafety code violations as
 2536 provided in chapter 162. The governing body of a county or
 2537 municipality which has not created a code enforcement board or
 2538 special magistrate ~~master~~ system for firesafety under chapter
 2539 162 is authorized to enact ordinances relating to firesafety
 2540 codes, which ordinances shall provide:

2541 (a) That a violation of such an ordinance is a civil
 2542 infraction.

2543 (b) A maximum civil penalty not to exceed \$500.

2544 (c) A civil penalty of less than the maximum civil penalty
2545 if the person who has committed the civil infraction does not
2546 contest the citation.

2547 (d) For the issuance of a citation by an officer who has
2548 probable cause to believe that a person has committed a
2549 violation of an ordinance relating to firesafety.

2550 (e) For the contesting of a citation in the county court.

2551 (f) Such procedures and provisions necessary to implement
2552 any ordinances enacted under the authority of this section.

2553 Section 96. Subsection (2) of section 744.369, Florida
2554 Statutes, is amended to read:

2555 744.369 Judicial review of guardianship reports.--

2556 (2) The court may appoint general or special magistrates
2557 ~~masters~~ to assist the court in its review function. The court
2558 may require the general or special magistrate ~~master~~ to conduct
2559 random field audits.

2560 Section 97. Subsection (11) of section 760.11, Florida
2561 Statutes, is amended to read:

2562 760.11 Administrative and civil remedies; construction.--

2563 (11) If a complaint is within the jurisdiction of the
2564 commission, the commission shall simultaneously with its other
2565 statutory obligations attempt to eliminate or correct the
2566 alleged discrimination by informal methods of conference,
2567 conciliation, and persuasion. Nothing said or done in the course
2568 of such informal endeavors may be made public or used as
2569 evidence in a subsequent civil proceeding, trial, or hearing.
2570 The commission may initiate dispute resolution procedures,
2571 including voluntary arbitration, by special magistrates ~~masters~~

2572 or mediators. The commission may adopt rules as to the
 2573 qualifications of persons who may serve as special magistrates
 2574 ~~masters~~ and mediators.

2575 Section 98. Subsection (1) of section 837.011, Florida
 2576 Statutes, is amended to read:

2577 837.011 Definitions.--In this chapter, unless a different
 2578 meaning plainly is required:

2579 (1) "Official proceeding" means a proceeding heard, or
 2580 which may be or is required to be heard, before any legislative,
 2581 judicial, administrative, or other governmental agency or
 2582 official authorized to take evidence under oath, including any
 2583 referee, general or special magistrate ~~master in chancery~~,
 2584 administrative law judge, hearing officer, hearing examiner,
 2585 commissioner, notary, or other person taking testimony or a
 2586 deposition in connection with any such proceeding.

2587 Section 99. Subsection (6) of section 838.014, Florida
 2588 Statutes, is amended to read:

2589 838.014 Definitions.--As used in this chapter, the term:

2590 (6) "Public servant" means:

2591 (a) Any officer or employee of a state, county, municipal,
 2592 or special district agency or entity;

2593 (b) Any legislative or judicial officer or employee;

2594 (c) Any person, except a witness, who acts as a general or
 2595 special magistrate ~~master~~, receiver, auditor, arbitrator,
 2596 umpire, referee, consultant, or hearing officer while performing
 2597 a governmental function; or

2598 (d) A candidate for election or appointment to any of the
 2599 positions listed in this subsection, or an individual who has

2600 | been elected to, but has yet to officially assume the
 2601 | responsibilities of, public office.

2602 | Section 100. Section 839.17, Florida Statutes, is amended
 2603 | to read:

2604 | 839.17 Misappropriation of moneys by commissioners to make
 2605 | sales.--Any commissioner or general or special magistrate ~~master~~
 2606 | ~~in chancery~~, having received the purchase money or the
 2607 | securities resulting from any of the sales authorized by law,
 2608 | who shall fail to deliver such moneys and securities, or either
 2609 | of them, to the executor or administrator, or the person
 2610 | entitled to receive the same, upon the order of the court,
 2611 | unless she or he is rendered unable to do so by some cause not
 2612 | attributable to her or his own default or neglect, shall be
 2613 | fined in a sum equal to the amount received from the purchaser,
 2614 | and commits ~~shall be guilty of~~ a felony of the second degree,
 2615 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2616 | Section 101. Paragraph (a) of subsection (3) of section
 2617 | 916.107, Florida Statutes, is amended to read:

2618 | 916.107 Rights of forensic clients.--

2619 | (3) RIGHT TO EXPRESS AND INFORMED CONSENT.--

2620 | (a) A client committed to the department pursuant to this
 2621 | act shall be asked to give express and informed written consent
 2622 | for treatment. If a client in a forensic facility refuses such
 2623 | treatment as is deemed necessary by the client's
 2624 | multidisciplinary treatment team at the forensic facility for
 2625 | the appropriate care of the client and the safety of the client
 2626 | or others, such treatment may be provided under the following
 2627 | circumstances:

2628 1. In an emergency situation in which there is immediate
2629 danger to the safety of the client or others, such treatment may
2630 be provided upon the written order of a physician for a period
2631 not to exceed 48 hours, excluding weekends and legal holidays.
2632 If, after the 48-hour period, the client has not given express
2633 and informed consent to the treatment initially refused, the
2634 administrator or designee of the forensic facility shall, within
2635 48 hours, excluding weekends and legal holidays, petition the
2636 committing court or the circuit court serving the county in
2637 which the facility is located, at the option of the facility
2638 administrator or designee, for an order authorizing the
2639 continued treatment of the client. In the interim, treatment may
2640 be continued without the consent of the client upon the
2641 continued written order of a physician who has determined that
2642 the emergency situation continues to present a danger to the
2643 safety of the client or others.

2644 2. In a situation other than an emergency situation, the
2645 administrator or designee of the forensic facility shall
2646 petition the court for an order authorizing the treatment to the
2647 client. The order shall allow such treatment for a period not to
2648 exceed 90 days from the date of the entry of the order. Unless
2649 the court is notified in writing that the client has provided
2650 express and informed consent in writing or that the client has
2651 been discharged by the committing court, the administrator or
2652 designee shall, prior to the expiration of the initial 90-day
2653 order, petition the court for an order authorizing the
2654 continuation of treatment for another 90-day period. This

2655 procedure shall be repeated until the client provides consent or
2656 is discharged by the committing court.

2657 3. At the hearing on the issue of whether the court should
2658 enter an order authorizing treatment for which a client has
2659 refused to give express and informed consent, the court shall
2660 determine by clear and convincing evidence that the client is
2661 mentally ill, retarded, or autistic as defined in this chapter,
2662 that the treatment not consented to is essential to the care of
2663 the client, and that the treatment not consented to is not
2664 experimental and does not present an unreasonable risk of
2665 serious, hazardous, or irreversible side effects. In arriving at
2666 the substitute judgment decision, the court must consider at
2667 least the following factors:

- 2668 a. The client's expressed preference regarding treatment;
2669 b. The probability of adverse side effects;
2670 c. The prognosis without treatment; and
2671 d. The prognosis with treatment.

2672
2673 The hearing shall be as convenient to the client as may be
2674 consistent with orderly procedure and shall be conducted in
2675 physical settings not likely to be injurious to the client's
2676 condition. The court may appoint a general or special magistrate
2677 ~~master~~ to preside at the hearing. The client or the client's
2678 guardian, and the representative, shall be provided with a copy
2679 of the petition and the date, time, and location of the hearing.
2680 The client has the right to have an attorney represent him or
2681 her at the hearing, and, if the client is indigent, the court
2682 shall appoint the office of the public defender to represent the

2683 client at the hearing. The client may testify or not, as he or
2684 she chooses, and has the right to cross-examine witnesses and
2685 may present his or her own witnesses.

2686 Section 102. Subsection (11) of section 938.30, Florida
2687 Statutes, is amended to read:

2688 938.30 Financial obligations in criminal cases;
2689 supplementary proceedings.--

2690 (11) The court may refer any proceeding under this section
2691 to a special magistrate ~~master~~ who shall report findings and
2692 make recommendations to the court. The court shall act on such
2693 recommendations within a reasonable amount of time.

2694 Section 103. Subsection (3) of section 945.43, Florida
2695 Statutes, is amended to read:

2696 945.43 Admission of inmate to mental health treatment
2697 facility.--

2698 (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR
2699 MENTAL HEALTH TREATMENT.--If the inmate does not waive a hearing
2700 or if the inmate or the inmate's representative files a petition
2701 for a hearing after having waived it, the court shall serve
2702 notice on the warden of the facility where the inmate is
2703 confined, the director, and the allegedly mentally ill inmate.
2704 The notice shall specify the date, time, and place of the
2705 hearing; the basis for the allegation of mental illness; and the
2706 names of the examining experts. The hearing shall be held within
2707 5 days, and the court may appoint a general or special
2708 magistrate ~~master~~ to preside. The hearing may be as informal as
2709 is consistent with orderly procedure. One of the experts whose
2710 opinion supported the recommendation shall be present at the

2711 hearing for information purposes. If, at the hearing, the court
2712 finds that the inmate is mentally ill and in need of care and
2713 treatment, it shall order that he or she be transferred to a
2714 mental health treatment facility and provided appropriate
2715 treatment. The court shall provide a copy of its order
2716 authorizing transfer and all supporting documentation relating
2717 to the inmate's condition to the warden of the treatment
2718 facility. If the court finds that the inmate is not mentally
2719 ill, it shall dismiss the petition for transfer.

2720 Section 104. This act shall take effect October 1, 2004.