

By the Committees on Governmental Oversight and Productivity;  
 Judiciary; and Senator Campbell

302-1339-04

1                                   A bill to be entitled  
 2           An act relating to magistrates and masters;  
 3           amending ss. 26.012, 27.06, 29.004, 34.01,  
 4           48.20, 142.09, 316.635, 373.603, 381.0012,  
 5           450.121, 560.306, 633.14, 648.44, 817.482,  
 6           832.05, 876.42, 893.12, 901.01, 901.02, 901.07,  
 7           901.08, 901.09, 901.11, 901.12, 901.25, 902.15,  
 8           902.17, 902.20, 902.21, 903.03, 903.32, 903.34,  
 9           914.22, 923.01, 933.01, 933.06, 933.07, 933.10,  
 10          933.101, 933.13, 933.14, 939.02, 939.14,  
 11          941.13, 941.14, 941.15, 941.17, 941.18,  
 12          947.141, 948.06, 985.05, F.S., relating to  
 13          various court procedures; redesignating  
 14          "magistrates" as "trial court judges"; amending  
 15          ss. 56.071, 56.29, 61.1826, 64.061, 65.061,  
 16          69.051, 70.51, 92.142, 112.41, 112.43, 112.47,  
 17          162.03, 162.06, 162.09, 173.09, 173.10, 173.11,  
 18          173.12, 194.013, 194.034, 194.035, 206.16,  
 19          207.016, 320.411, 393.11, 394.467, 397.311,  
 20          397.681, 447.207, 447.403, 447.405, 447.407,  
 21          447.409, 475.011, 489.127, 489.531, 496.420,  
 22          501.207, 501.618, 559.936, 582.23, 631.182,  
 23          631.331, 633.052, 744.369, 760.11, 837.011,  
 24          838.014, 839.17, 916.107, 938.30, 945.43, F.S.,  
 25          relating to various administrative and judicial  
 26          proceedings; redesignating "masters" and  
 27          "general or special masters" as "general or  
 28          special magistrates"; providing an effective  
 29          date.

30  
 31 Be It Enacted by the Legislature of the State of Florida:

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

3           26.012 Jurisdiction of circuit court.--

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

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

7           27.06 Habeas corpus and preliminary trials.--The  
8 several state attorneys of this state shall represent the  
9 state in all cases of habeas corpus arising in their  
10 respective circuits, and shall also represent the state,  
11 either in person or by assistant, in cases of preliminary  
12 trials of persons charged with capital offenses in all cases  
13 where the committing trial court judge ~~magistrate~~ shall have  
14 given due and timely notice of the time and place of such  
15 trial. Notice of the application for the writ of habeas  
16 corpus shall be given to the prosecuting officer of the court  
17 wherein the statute under attack is being applied, the  
18 criminal law proceeding is being maintained, or the conviction  
19 has occurred.

20           Section 3. Subsection (8) of section 29.004, Florida  
21 Statutes, as amended by section 40 of chapter 2003-402, Laws  
22 of Florida, is amended to read:

23           29.004 State courts system.--For purposes of  
24 implementing s. 14, Art. V of the State Constitution, the  
25 elements of the state courts system to be provided from state  
26 revenues appropriated by general law are as follows:

27           (8) General magistrates, special magistrates, ~~Masters~~  
28 and hearing officers.

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

1           34.01 Jurisdiction of county court.--

2           (2) The county courts shall have jurisdiction  
3 previously exercised by county judges' courts other than that  
4 vested in the circuit court by s. 26.012, except that county  
5 court judges may hear matters involving dissolution of  
6 marriage under the simplified dissolution procedure pursuant  
7 to ~~Rule 1.611(c)~~, Florida Family Law Rules of ~~Civil~~ Procedure  
8 or may issue a final order for dissolution in cases where the  
9 matter is uncontested, and the jurisdiction previously  
10 exercised by county courts, the claims court, small claims  
11 courts, small claims magistrates courts, magistrates courts,  
12 justice of the peace courts, municipal courts, and courts of  
13 chartered counties, including but not limited to the counties  
14 referred to in ss. 9, 10, 11, and 24, Art. VIII of the State  
15 Constitution of 1885, as preserved by s. (6)(e), Art. VIII of  
16 the State Constitution of 1968.

17           (3) Judges of county courts shall also be committing  
18 trial court judges ~~magistrates~~. Judges of county courts shall  
19 be coroners unless otherwise provided by law or by rule of the  
20 Supreme Court.

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

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

26           Section 5. Section 48.20, Florida Statutes, is amended  
27 to read:

28           48.20 Service of process on Sunday.--Service or  
29 execution on Sunday of any writ, process, warrant, order, or  
30 judgment is void and the person serving or executing, or  
31 causing it to be served or executed, is liable to the party

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

13 Section 6. Section 142.09, Florida Statutes, is  
14 amended to read:

15 142.09 If defendant is not convicted or dies.--If the  
16 defendant is not convicted, or the prosecution is abated by  
17 the death of the defendant, or if the costs are imposed on the  
18 defendant and execution against him or her is returned no  
19 property found, or if a nolle prosequere be entered, in each of  
20 these cases the fees of witnesses and officers arising from  
21 criminal causes shall be paid by the county in the manner  
22 specified in ss. 142.10-142.12; provided, that when a  
23 committing trial court judge ~~magistrate~~ holds to bail or  
24 commits a person to answer to a criminal charge and an  
25 information is not filed or an indictment found against such  
26 person, the costs and fees of such committing trial shall not  
27 be paid by the county, except the costs of executing the  
28 warrants.

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

31

1           316.635 Courts having jurisdiction over traffic  
2 violations; powers relating to custody and detention of  
3 minors.--

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

14           (a) Issue a notice to appear pursuant to chapter 901  
15 and release the minor to a parent, guardian, responsible adult  
16 relative, or other responsible adult;

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

19           (c) Issue a notice to appear pursuant to chapter 901  
20 and deliver the minor to an appropriate substance abuse  
21 treatment or rehabilitation facility or refer the minor to an  
22 appropriate medical facility as provided in s. 901.29. If the  
23 minor cannot be delivered to an appropriate substance abuse  
24 treatment or rehabilitation facility or medical facility, the  
25 arresting officer may deliver the minor to an appropriate  
26 intake office of the Department of Juvenile Justice, which  
27 shall take custody of the minor and make any appropriate  
28 referrals; or

29           (d) If the violation constitutes a felony and the  
30 minor cannot be released pursuant to s. 903.03, transport and  
31 deliver the minor to an appropriate Department of Juvenile

1 Justice intake office. Upon delivery of the minor to the  
2 intake office, the department shall assume custody and proceed  
3 pursuant to chapter 984 or chapter 985.

4  
5 If action is not taken pursuant to paragraphs (a)-(d), the  
6 minor shall be delivered to the Department of Juvenile  
7 Justice, and the department shall make every reasonable effort  
8 to contact the parents, guardian, or responsible adult  
9 relative to take custody of the minor. If there is no parent,  
10 guardian, or responsible adult relative available, the  
11 department may retain custody of the minor for up to 24 hours.

12 Section 8. Section 373.603, Florida Statutes, is  
13 amended to read:

14 373.603 Power to enforce.--The Department of  
15 Environmental Protection or the governing board of any water  
16 management district and any officer or agent thereof may  
17 enforce any provision of this law or any rule or regulation  
18 adopted and promulgated or order issued thereunder to the same  
19 extent as any peace officer is authorized to enforce the law.  
20 Any officer or agent of any such board may appear before any  
21 trial court judge ~~magistrate~~ empowered to issue warrants in  
22 criminal cases and make an affidavit and apply for the  
23 issuance of a warrant in the manner provided by law, ~~and said~~  
24 ~~magistrate~~, If such affidavit alleges ~~shall allege~~ the  
25 commission of an offense, the trial court judge shall issue a  
26 warrant directed to any sheriff or deputy for the arrest of  
27 any offender. The provisions of this section shall apply to  
28 the Florida Water Resources Act of 1972 in its entirety.

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

31 381.0012 Enforcement authority.--

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

7           Section 10. Subsections (3) and (4) of section  
8 450.121, Florida Statutes, are amended to read:

9           450.121 Enforcement of Child Labor Law.--

10           (3) It is the duty of any trial court judge ~~magistrate~~  
11 of any court in the state to issue warrants and try cases made  
12 within the limit of any city over which such trial court judge  
13 ~~magistrate~~ has jurisdiction in connection with the violation  
14 of this law.

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

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

22           560.306 Standards.--

23           (2) The office may deny registration if it finds that  
24 the applicant, or any money transmitter-affiliated party of  
25 the applicant, has been convicted of a crime involving moral  
26 turpitude in any jurisdiction or of a crime which, if  
27 committed in this state, would constitute a crime involving  
28 moral turpitude under the laws of this state. For the purposes  
29 of this part, a person shall be deemed to have been convicted  
30 of a crime if such person has either pleaded guilty to or been  
31 found guilty of a charge before a court or a federal

1 magistrate, or by the verdict of a jury, irrespective of the  
2 pronouncement of sentence or the suspension thereof. The  
3 office may take into consideration the fact that such plea of  
4 guilty, or such decision, judgment, or verdict, has been set  
5 aside, reversed, or otherwise abrogated by lawful judicial  
6 process or that the person convicted of the crime received a  
7 pardon from the jurisdiction where the conviction was entered  
8 or received a certificate pursuant to any provision of law  
9 which removes the disability under this part because of such  
10 conviction.

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

13 633.14 Agents; powers to make arrests, conduct  
14 searches and seizures, serve summonses, and carry  
15 firearms.--Agents of the State Fire Marshal shall have the  
16 same authority to serve summonses, make arrests, carry  
17 firearms, and make searches and seizures, as the sheriff or  
18 her or his deputies, in the respective counties where such  
19 investigations, hearings, or inspections may be held; and  
20 affidavits necessary to authorize any such arrests, searches,  
21 or seizures may be made before any trial court judge  
22 ~~magistrate~~ having authority under the law to issue appropriate  
23 processes.

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

27 648.44 Prohibitions; penalty.--

28 (1) A bail bond agent or temporary bail bond agent may  
29 not:

30 (e) Pay a fee or rebate or give or promise anything of  
31 value to a jailer, police officer, peace officer, or



1 committing trial court judge ~~magistrate~~ or any other person  
2 who has power to arrest or to hold in custody or to any public  
3 official or public employee in order to secure a settlement,  
4 compromise, remission, or reduction of the amount of any bail  
5 bond or estreatment thereof.

6 (2) The following persons or classes shall not be bail  
7 bond agents, temporary bail bond agents, or employees of a  
8 bail bond agent or a bail bond business and shall not directly  
9 or indirectly receive any benefits from the execution of any  
10 bail bond:

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

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

15 817.482 Possessing or transferring device for theft of  
16 telecommunications service; concealment of destination of  
17 telecommunications service.--

18 (3) Any such instrument, apparatus, equipment, or  
19 device, or plans or instructions therefor, referred to in  
20 subsections (1) and (2), may be seized by court order or under  
21 a search warrant of a judge ~~or magistrate~~ or incident to a  
22 lawful arrest; and upon the conviction of any person for a  
23 violation of any provision of this act, or s. 817.481, such  
24 instrument, apparatus, equipment, device, plans, or  
25 instructions either shall be destroyed as contraband by the  
26 sheriff of the county in which such person was convicted or  
27 turned over to the telephone company in whose territory such  
28 instrument, apparatus, equipment, device, plans, or  
29 instructions were seized.

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

1           832.05 Giving worthless checks, drafts, and debit card  
2 orders; penalty; duty of drawee; evidence; costs; complaint  
3 form.--

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

10           Section 16. Section 876.42, Florida Statutes, is  
11 amended to read:

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

30           Section 17. Paragraph (a) of subsection (1) of section  
31 893.12, Florida Statutes, is amended to read:

1           893.12 Contraband; seizure, forfeiture, sale.--

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

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

21           Section 18. Section 901.01, Florida Statutes, is  
22 amended to read:

23           901.01 Judicial officers have ~~to be~~ committing  
24 authority ~~magistrates~~.--Each state judicial officer is a  
25 conservator of the peace and has ~~a~~ committing ~~magistrate with~~  
26 authority to issue warrants of arrest, commit offenders to  
27 jail, and recognize them to appear to answer the charge. He  
28 or she may require sureties of the peace when the peace has  
29 been substantially threatened or disturbed.

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

1           901.02 When warrant of arrest to be issued.--

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

9           Section 20. Section 901.07, Florida Statutes, is  
10 amended to read:

11           901.07 Admission to bail when arrest occurs in another  
12 county.--

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

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

28           Section 21. Section 901.08, Florida Statutes, is  
29 amended to read:

30           901.08 Issue of warrant when offense triable in  
31 another county.--

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

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

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

23           Section 22. Section 901.09, Florida Statutes, is  
24 amended to read:

25           901.09 When summons shall be issued.--

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

31

1 upon a summons, in which event the trial court judge  
2 ~~magistrate~~ shall issue a warrant.

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

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

13 Section 23. Section 901.11, Florida Statutes, is  
14 amended to read:

15 901.11 Effect of not answering summons.--Failure to  
16 appear as commanded by a summons without good cause is an  
17 indirect criminal contempt of court and may be punished by a  
18 fine of not more than \$100. When a person fails to appear as  
19 commanded by a summons, the trial court judge ~~magistrate~~ shall  
20 issue a warrant. If the trial court judge ~~magistrate~~ acquires  
21 reason to believe that the person summoned will not appear as  
22 commanded after issuing a summons, the trial court judge  
23 ~~magistrate~~ may issue a warrant.

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

26 901.12 Summons against corporation.--When a complaint  
27 of an offense is made against a corporation, the trial court  
28 judge ~~magistrate~~ shall issue a summons that shall set forth  
29 substantially the nature of the offense and command the  
30 corporation to appear before the trial court judge ~~magistrate~~  
31 at a stated time and place.

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

3           901.25 Fresh pursuit; arrest outside jurisdiction.--

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

12           Section 26. Section 902.15, Florida Statutes, is  
13 amended to read:

14           902.15 Undertaking by witness.--When a defendant is  
15 held to answer on a charge for a crime punishable by death or  
16 life imprisonment, the trial court judge ~~magistrate~~ at the  
17 preliminary hearing may require each material witness to enter  
18 into a written recognizance to appear at the trial or forfeit  
19 a sum fixed by the trial court judge ~~magistrate~~. Additional  
20 security may be required in the discretion of the trial court  
21 judge ~~magistrate~~.

22           Section 27. Subsections (1), (2), and (3) of section  
23 902.17, Florida Statutes, are amended to read:

24           902.17 Procedure when witness does not give  
25 security.--

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

30           (2) If the trial court judge ~~magistrate~~ requires a  
31 witness to give security for her or his appearance and the

1 witness is unable to give the security, the witness may apply  
2 to the court having jurisdiction to try the defendant for a  
3 reduction of the security.

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

22 Section 28. Section 902.20, Florida Statutes, is  
23 amended to read:

24 902.20 Contempts before committing trial court judge  
25 ~~magistrate~~.--A committing trial court judge ~~magistrate~~ holding  
26 a preliminary hearing shall have the same power to punish for  
27 contempts that she or he has while presiding at the trial of  
28 criminal cases.

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

31



1           902.21 Commitment to jail in another county.--If a  
2 person is committed in a county where there is no jail, the  
3 committing trial court judge ~~magistrate~~ shall direct the  
4 sheriff to deliver the accused to a jail in another county.

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

7           903.03 Jurisdiction of trial court to admit to bail;  
8 duties and responsibilities of Department of Corrections.--

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

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

18           903.32 Defects in bond.--

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

29           Section 32. Section 903.34, Florida Statutes, is  
30 amended to read:

31





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

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

12           933.07 Issuance of search warrants.--

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

25           Section 38. Section 933.10, Florida Statutes, is  
26 amended to read:

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

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

3 Section 39. Section 933.101, Florida Statutes, is  
4 amended to read:

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

8 Section 40. Section 933.13, Florida Statutes, is  
9 amended to read:

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

17 Section 41. Subsections (1), (3), and (4) of section  
18 933.14, Florida Statutes, are amended to read:

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

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

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

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

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

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

14 Section 42. Section 939.02, Florida Statutes, is  
15 amended to read:

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

20 Section 43. Section 939.14, Florida Statutes, is  
21 amended to read:

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

30 Section 44. Section 941.13, Florida Statutes, is  
31 amended to read:

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

28           Section 45. Section 941.14, Florida Statutes, is  
29 amended to read:

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



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

10 Section 46. Section 941.15, Florida Statutes, is  
11 amended to read:

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

25 Section 47. Section 941.17, Florida Statutes, is  
26 amended to read:

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

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

5 Section 48. Section 941.18, Florida Statutes, is  
6 amended to read:

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

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

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

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

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

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

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

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

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

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

31

1           Section 51. Paragraph (b) of subsection (4) of section  
2 985.05, Florida Statutes, is amended to read:

3           985.05 Court records.--

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

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

11          Section 52. Section 56.071, Florida Statutes, is  
12 amended to read:

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

28          Section 53. Subsections (2), (7), and (10) of section  
29 56.29, Florida Statutes, are amended to read:

30          56.29 Proceedings supplementary.--

31

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

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

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

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

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

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

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

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

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

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

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

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

31



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

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

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

10

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

21 Section 55. Section 64.061, Florida Statutes, is  
22 amended to read:

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

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

31

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

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

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

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

31           65.061 Quieting title; additional remedy.--

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

6           Section 57. Section 69.051, Florida Statutes, is  
7 amended to read:

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

14           Section 58. Section 70.51, Florida Statutes, is  
15 amended to read:

16           70.51 Land use and environmental dispute resolution.--

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

3 (6) The request for relief must contain:

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

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

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

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

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

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

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

31

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

31

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

- 12 1. An adjustment of land development or permit  
13 standards or other provisions controlling the development or  
14 use of land.
- 15 2. Increases or modifications in the density,  
16 intensity, or use of areas of development.
- 17 3. The transfer of development rights.
- 18 4. Land swaps or exchanges.
- 19 5. Mitigation, including payments in lieu of onsite  
20 mitigation.
- 21 6. Location on the least sensitive portion of the  
22 property.
- 23 7. Conditioning the amount of development or use  
24 permitted.
- 25 8. A requirement that issues be addressed on a more  
26 comprehensive basis than a single proposed use or development.
- 27 9. Issuance of the development order, a variance,  
28 special exception, or other extraordinary relief, including  
29 withdrawal of the enforcement action.
- 30 10. Purchase of the real property, or an interest  
31 therein, by an appropriate governmental entity.

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

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

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

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

31

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

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

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

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

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

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

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

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

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



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

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

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

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

28           92.142 Witnesses; pay.--

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

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

10 Section 60. Section 112.41, Florida Statutes, is  
11 amended to read:

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

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

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

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

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

30 Section 61. Section 112.43, Florida Statutes, is  
31 amended to read:

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

24           Section 62. Section 112.47, Florida Statutes, is  
25 amended to read:

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

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

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

15 162.03 Applicability.--

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

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

29 162.06 Enforcement procedure.--

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

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

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

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

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

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

17  
18 A failure to make the disclosures described in paragraphs (a),  
19 (b), and (c) before the transfer creates a rebuttable  
20 presumption of fraud. If the property is transferred before  
21 the hearing, the proceeding shall not be dismissed, but the  
22 new owner shall be provided a reasonable period of time to  
23 correct the violation before the hearing is held.

24 Section 65. Paragraph (d) of subsection (2) of section  
25 162.09, Florida Statutes, is amended to read:

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

27 (2)

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

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

16 Section 66. Section 173.09, Florida Statutes, is  
17 amended to read:

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

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

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

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

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

25 Section 67. Section 173.10, Florida Statutes, is  
26 amended to read:

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

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

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

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

16 Section 68. Section 173.11, Florida Statutes, is  
17 amended to read:

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

27 Section 69. Section 173.12, Florida Statutes, is  
28 amended to read:

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



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

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

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

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

30  
31

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

4           194.034 Hearing procedures; rules.--

5           (1)

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

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

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

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

4 Section 72. Section 194.035, Florida Statutes, is  
5 amended to read:

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

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

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

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

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

3 |         Section 73. Section 206.16, Florida Statutes, is  
4 | amended to read:

5 |             206.16 Officer selling property.--

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

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

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

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

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

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

28 |         Section 74. Section 207.016, Florida Statutes, is  
29 | amended to read:

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

31 |

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

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

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

10          (c) The time and place of sale.

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

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

23           Section 75. Section 320.411, Florida Statutes, is  
24 amended to read:

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

26           (1) No sheriff, receiver, assignee, general or special  
27 magistrate master, or other officer shall sell the property or  
28 franchise of any motor carrier for failure to pay taxes,  
29 penalties, or interest without first filing with the  
30 department a statement containing the following information:  
31

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

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

5           (c) The time and place of sale.

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

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

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

20           393.11 Involuntary admission to residential  
21 services.--

22           (7) HEARING.--

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

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

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

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

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

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

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

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



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

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

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

7 394.467 Involuntary placement.--

8 (6) HEARING ON INVOLUNTARY PLACEMENT.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3           447.207 Commission; powers and duties.--

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

11           Section 81. Subsections (2), (3), and (4) of section  
12 447.403, Florida Statutes, are amended to read:

13           447.403 Resolution of impasses.--

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

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

31

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

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

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

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

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

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

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

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



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

5 Section 82. Section 447.405, Florida Statutes, is  
6 amended to read:

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

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

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

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

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

29 (a) Hazards of employment.

30 (b) Physical qualifications.

31 (c) Educational qualifications.

1 (d) Intellectual qualifications.

2 (e) Job training and skills.

3 (f) Retirement plans.

4 (g) Sick leave.

5 (h) Job security.

6 (5) Availability of funds.

7 Section 83. Section 447.407, Florida Statutes, is  
8 amended to read:

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

13 Section 84. Section 447.409, Florida Statutes, is  
14 amended to read:

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

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

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

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

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

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

12 489.127 Prohibitions; penalties.--

13 (5) Each county or municipality may, at its option,  
14 designate one or more of its code enforcement officers, as  
15 defined in chapter 162, to enforce, as set out in this  
16 subsection, the provisions of subsection (1) and s. 489.132(1)  
17 against persons who engage in activity for which a county or  
18 municipal certificate of competency or license or state  
19 certification or registration is required.

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

29 1. Hearings shall be held before an enforcement or  
30 licensing board or designated special magistrate ~~master~~ as  
31 established by s. 162.03(2), and such hearings shall be

1 conducted pursuant to the requirements of ss. 162.07 and  
2 162.08.

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

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

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

19 (f) If the enforcement or licensing board or  
20 designated special magistrate ~~master~~ finds that a violation  
21 exists, the enforcement or licensing board or designated  
22 special magistrate ~~master~~ may order the violator to pay a  
23 civil penalty of not less than the amount set forth on the  
24 citation but not more than \$1,000 per day for each violation.  
25 In determining the amount of the penalty, the enforcement or  
26 licensing board or designated special magistrate ~~master~~ shall  
27 consider the following factors:

28 1. The gravity of the violation.

29 2. Any actions taken by the violator to correct the  
30 violation.

31 3. Any previous violations committed by the violator.

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

11           (h) A certified copy of an order imposing a civil  
12 penalty against an uncertified contractor may be recorded in  
13 the public records and thereafter shall constitute a lien  
14 against any real or personal property owned by the violator.  
15 Upon petition to the circuit court, such order may be enforced  
16 in the same manner as a court judgment by the sheriffs of this  
17 state, including a levy against personal property; however,  
18 such order shall not be deemed to be a court judgment except  
19 for enforcement purposes. A civil penalty imposed pursuant to  
20 this part shall continue to accrue until the violator comes  
21 into compliance or until judgment is rendered in a suit to  
22 foreclose on a lien filed pursuant to this subsection,  
23 whichever occurs first. After 3 months from the filing of any  
24 such lien which remains unpaid, the enforcement board or  
25 licensing board or designated special magistrate ~~master~~ may  
26 authorize the local governing body's attorney to foreclose on  
27 the lien. No lien created pursuant to the provisions of this  
28 part may be foreclosed on real property which is a homestead  
29 under s. 4, Art. X of the State Constitution.

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

1 enforcement board or licensing board or designated special  
2 magistrate ~~master~~ to the circuit court. Such an appeal shall  
3 not be a hearing de novo but shall be limited to appellate  
4 review of the record created before the enforcement board or  
5 licensing board or designated special magistrate ~~master~~. An  
6 appeal shall be filed within 30 days of the execution of the  
7 order to be appealed.

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

11 489.531 Prohibitions; penalties.--

12 (4)

13 (d) The act for which the citation is issued shall be  
14 ceased upon receipt of the citation; and the person charged  
15 with the violation shall elect either to correct the violation  
16 and pay the civil penalty in the manner indicated on the  
17 citation or, within 10 days of receipt of the citation,  
18 exclusive of weekends and legal holidays, request an  
19 administrative hearing before the enforcement or licensing  
20 board or designated special magistrate ~~master~~ to appeal the  
21 issuance of the citation by the code enforcement officer.

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

26 2. Failure of a violator to appeal the decision of the  
27 code enforcement officer within the time period set forth in  
28 this paragraph shall constitute a waiver of the violator's  
29 right to an administrative hearing. A waiver of the right to  
30 administrative hearing shall be deemed an admission of the  
31 violation and penalties may be imposed accordingly.

1           3. If the person issued the citation, or his or her  
2 designated representative, shows that the citation is invalid  
3 or that the violation has been corrected prior to appearing  
4 before the enforcement or licensing board or designated  
5 special magistrate ~~master~~, the enforcement or licensing board  
6 or designated special magistrate ~~master~~ shall dismiss the  
7 citation unless the violation is irreparable or irreversible.

8           4. Each day a willful, knowing violation continues  
9 shall constitute a separate offense under the provisions of  
10 this subsection.

11           (f) If the enforcement or licensing board or  
12 designated special magistrate ~~master~~ finds that a violation  
13 exists, the enforcement or licensing board or designated  
14 special magistrate ~~master~~ may order the violator to pay a  
15 civil penalty of not less than the amount set forth on the  
16 citation but not more than \$500 per day for each violation.  
17 In determining the amount of the penalty, the enforcement or  
18 licensing board or designated special magistrate ~~master~~ shall  
19 consider the following factors:

20           1. The gravity of the violation.

21           2. Any actions taken by the violator to correct the  
22 violation.

23           3. Any previous violations committed by the violator.

24           (g) Upon written notification by the code enforcement  
25 officer that a violator had not contested the citation or paid  
26 the civil penalty within the timeframe allowed on the  
27 citation, or if a violation has not been corrected within the  
28 timeframe set forth on the notice of violation, the  
29 enforcement or licensing board or the designated special  
30 magistrate ~~master~~ shall enter an order ordering the violator  
31 to pay the civil penalty set forth on the citation or notice

1 of violation, and a hearing shall not be necessary for the  
2 issuance of such order.

3 (h) A certified copy of an order imposing a civil  
4 penalty against an uncertified contractor may be recorded in  
5 the public records and thereafter shall constitute a lien  
6 against any real or personal property owned by the violator.  
7 Upon petition to the circuit court, such order may be enforced  
8 in the same manner as a court judgment by the sheriffs of this  
9 state, including a levy against personal property; however,  
10 such order shall not be deemed to be a court judgment except  
11 for enforcement purposes. A civil penalty imposed pursuant to  
12 this part shall continue to accrue until the violator comes  
13 into compliance or until judgment is rendered in a suit to  
14 foreclose on a lien filed pursuant to this section, whichever  
15 occurs first. After 3 months from the filing of any such lien  
16 which remains unpaid, the enforcement or licensing board or  
17 designated special magistrate ~~master~~ may authorize the local  
18 governing body's attorney to foreclose on the lien. No lien  
19 created pursuant to the provisions of this part may be  
20 foreclosed on real property which is a homestead under s. 4,  
21 Art. X of the State Constitution.

22 (j) An aggrieved party, including the local governing  
23 body, may appeal a final administrative order of an  
24 enforcement or licensing board or ~~special~~ designated special  
25 magistrate ~~master~~ to the circuit court. Such an appeal shall  
26 not be a hearing de novo but shall be limited to appellate  
27 review of the record created before the enforcement or  
28 licensing board or designated special magistrate ~~master~~. An  
29 appeal shall be filed within 30 days of the execution of the  
30 order to be appealed.

31



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

3           496.420 Civil remedies and enforcement.--

4           (1) In addition to other remedies authorized by law,  
5 the department may bring a civil action in circuit court to  
6 enforce ss. 496.401-496.424 or s. 496.426. Upon a finding that  
7 any person has violated any of these sections, a court may  
8 make any necessary order or enter a judgment including, but  
9 not limited to, a temporary or permanent injunction, a  
10 declaratory judgment, the appointment of a general or special  
11 magistrate ~~master~~ or receiver, the sequestration of assets,  
12 the reimbursement of persons from whom contributions have been  
13 unlawfully solicited, the distribution of contributions in  
14 accordance with the charitable or sponsor purpose expressed in  
15 the registration statement or in accordance with the  
16 representations made to the person solicited, the  
17 reimbursement of the department for investigative costs,  
18 attorney's fees and costs, and any other equitable relief the  
19 court finds appropriate. Upon a finding that any person has  
20 violated any provision of ss. 496.401-496.424 or s. 496.426  
21 with actual knowledge or knowledge fairly implied on the basis  
22 of objective circumstances, a court may enter an order  
23 imposing a civil penalty in an amount not to exceed \$10,000  
24 per violation.

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

27           501.207 Remedies of enforcing authority.--

28           (3) Upon motion of the enforcing authority or any  
29 interested party in any action brought under subsection (1),  
30 the court may make appropriate orders, including, but not  
31 limited to, appointment of a general or special magistrate

1 ~~master~~ or receiver or sequestration or freezing of assets, to  
2 reimburse consumers or governmental entities found to have  
3 been damaged; to carry out a transaction in accordance with  
4 the reasonable expectations of consumers or governmental  
5 entities; to strike or limit the application of clauses of  
6 contracts to avoid an unconscionable result; to order any  
7 defendant to divest herself or himself of any interest in any  
8 enterprise, including real estate; to impose reasonable  
9 restrictions upon the future activities of any defendant to  
10 impede her or him from engaging in or establishing the same  
11 type of endeavor; to order the dissolution or reorganization  
12 of any enterprise; or to grant legal, equitable, or other  
13 appropriate relief. The court may assess the expenses of a  
14 general or special magistrate ~~master~~ or receiver against a  
15 person who has violated, is violating, or is otherwise likely  
16 to violate this part. Any injunctive order, whether temporary  
17 or permanent, issued by the court shall be effective  
18 throughout the state unless otherwise provided in the order.

19 Section 90. Section 501.618, Florida Statutes, is  
20 amended to read:

21 501.618 General civil remedies.--The department may  
22 bring:

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

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

28 (3) An action on behalf of one or more purchasers for  
29 the actual damages caused by an act or practice performed in  
30 violation of the provisions of this part. Such an action may  
31 include, but is not limited to, an action to recover against a

1 bond, letter of credit, or certificate of deposit as otherwise  
2 provided in this part.

3  
4 Upon motion of the enforcing authority in any action brought  
5 under this section, the court may make appropriate orders,  
6 including appointment of a general or special magistrate  
7 ~~master~~ or receiver or sequestration of assets, to reimburse  
8 consumers found to have been damaged, to carry out a consumer  
9 transaction in accordance with the consumer's reasonable  
10 expectations, or to grant other appropriate relief. The court  
11 may assess the expenses of a general or special magistrate  
12 ~~master~~ or receiver against a commercial telephone seller. Any  
13 injunctive order, whether temporary or permanent, issued by  
14 the court shall be effective throughout the state unless  
15 otherwise provided in the order.

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

18 559.936 Civil penalties; remedies.--

19 (6) Upon motion of the department in any action  
20 brought under this part, the court may make appropriate  
21 orders, including appointment of a general or special  
22 magistrate ~~master~~ or receiver or sequestration of assets, to  
23 reimburse consumers found to have been damaged, to carry out a  
24 consumer transaction in accordance with the consumer's  
25 reasonable expectations, or to grant other appropriate relief.

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

28 582.23 Performance of work under the regulations by  
29 the supervisors.--

30 (1) The supervisors may go upon any lands within the  
31 district to determine whether land use regulations adopted are

1 being observed. Where the supervisors of any district shall  
2 find that any of the provisions of land use regulations  
3 adopted are not being observed on particular lands, and that  
4 such nonobservance tends to increase erosion on such lands and  
5 is interfering with the prevention or control of erosion on  
6 other lands within the district, the supervisors may present  
7 to the circuit court for the county or counties within which  
8 the lands of the defendant may lie, a petition, duly verified,  
9 setting forth the adoption of the land use regulations, the  
10 failure of the defendant landowner or occupier to observe such  
11 regulations, and to perform particular work, operations, or  
12 avoidances as required thereby, and that such nonobservance  
13 tends to increase erosion on such lands and is interfering  
14 with the prevention or control of erosion on other lands  
15 within the district, and praying the court to require the  
16 defendant to perform the work, operations, or avoidances  
17 within a reasonable time and to order that if the defendant  
18 shall fail so to perform the supervisors may go on the land,  
19 perform the work or other operations or otherwise bring the  
20 condition of such lands into conformity with the requirements  
21 of such regulations, and recover the costs and expenses  
22 thereof, with interest, from the owner of such land. Upon the  
23 presentation of such petition the court shall cause process to  
24 be issued against the defendant, and shall hear the case. If  
25 it shall appear to the court that testimony is necessary for  
26 the proper disposition of the matter, it may take evidence or  
27 appoint a special magistrate ~~master~~ to take such evidence as  
28 it may direct and report the same to the court within her or  
29 his findings of fact and conclusions of law, which shall  
30 constitute a part of the proceedings upon which the  
31 determination of the court shall be made.

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

3           631.182 Receiver claims report and claimants  
4 objections procedure.--

5           (2) At the hearing, any interested person is entitled  
6 to appear. The hearing shall not be de novo but shall be  
7 limited to the record as described in s. 631.181(2). The court  
8 shall enter an order allowing, allowing in part, or  
9 disallowing the claim. Any such order is deemed to be an  
10 appealable order. In the interests of judicial economy, the  
11 court may appoint a special magistrate ~~master~~ to resolve  
12 objections or to perform any particular service required by  
13 the court. This subsection shall apply to receivership  
14 proceedings commencing prior to, or subsequent to, July 1,  
15 1997.

16           Section 94. Subsections (3) and (4) of section  
17 631.331, Florida Statutes, are amended to read:

18           631.331 Assessment prima facie correct; notice;  
19 payment; proceeding to collect.--

20           (3) If any such member or subscriber fails to pay the  
21 assessment within the period specified in the notice, which  
22 period shall not be less than 20 days after mailing, the  
23 department may obtain an order in the delinquency proceeding  
24 requiring the member or subscriber to show cause at a time and  
25 place fixed by the court why judgment should not be entered  
26 against such member or subscriber for the amount of the  
27 assessment, together with all costs. ~~and~~ A copy of the order  
28 and a copy of the petition therefor shall be served upon the  
29 member or subscriber within the time and in the manner  
30 designated in the order.

31

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

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

7 (b) Appears in the manner and form required by law in  
8 response to the order, the court shall hear and determine the  
9 matter and enter a judgment in accordance with its decision.  
10 In the interests of judicial economy, the court may appoint a  
11 special magistrate ~~master~~ to resolve objections or to perform  
12 any particular service required by the court. This paragraph  
13 shall apply to receivership proceedings commencing prior to,  
14 or subsequent to, July 1, 1997.

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

17 633.052 Ordinances relating to firesafety;  
18 definitions; penalties.--

19 (2) A county or municipality that ~~which~~ has created a  
20 code enforcement board or special magistrate ~~master~~ system  
21 pursuant to chapter 162 may enforce firesafety code violations  
22 as provided in chapter 162. The governing body of a county or  
23 municipality which has not created a code enforcement board or  
24 special magistrate ~~master~~ system for firesafety under chapter  
25 162 is authorized to enact ordinances relating to firesafety  
26 codes, which ordinances shall provide:

27 (a) That a violation of such an ordinance is a civil  
28 infraction.

29 (b) A maximum civil penalty not to exceed \$500.  
30  
31

1 (c) A civil penalty of less than the maximum civil  
2 penalty if the person who has committed the civil infraction  
3 does not contest the citation.

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

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

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

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

14 744.369 Judicial review of guardianship reports.--

15 (2) The court may appoint general or special  
16 magistrate ~~masters~~ to assist the court in its review function.  
17 The court may require the general or special magistrate ~~master~~  
18 to conduct random field audits.

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

21 760.11 Administrative and civil remedies;  
22 construction.--

23 (11) If a complaint is within the jurisdiction of the  
24 commission, the commission shall simultaneously with its other  
25 statutory obligations attempt to eliminate or correct the  
26 alleged discrimination by informal methods of conference,  
27 conciliation, and persuasion. Nothing said or done in the  
28 course of such informal endeavors may be made public or used  
29 as evidence in a subsequent civil proceeding, trial, or  
30 hearing. The commission may initiate dispute resolution  
31 procedures, including voluntary arbitration, by special

1 magistrates ~~masters~~ or mediators. The commission may adopt  
2 rules as to the qualifications of persons who may serve as  
3 special magistrates ~~masters~~ and mediators.

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

6 837.011 Definitions.--In this chapter, unless a  
7 different meaning plainly is required:

8 (1) "Official proceeding" means a proceeding heard, or  
9 which may be or is required to be heard, before any  
10 legislative, judicial, administrative, or other governmental  
11 agency or official authorized to take evidence under oath,  
12 including any referee, general or special magistrate ~~master in~~  
13 ~~chancery~~, administrative law judge, hearing officer, hearing  
14 examiner, commissioner, notary, or other person taking  
15 testimony or a deposition in connection with any such  
16 proceeding.

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

19 838.014 Definitions.--As used in this chapter, the  
20 term:

21 (6) "Public servant" means:

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

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

25 (c) Any person, except a witness, who acts as a  
26 general or special magistrate ~~master~~, receiver, auditor,  
27 arbitrator, umpire, referee, consultant, or hearing officer  
28 while performing a governmental function; or

29 (d) A candidate for election or appointment to any of  
30 the positions listed in this subsection, or an individual who  
31



1 has been elected to, but has yet to officially assume the  
2 responsibilities of, public office.

3 Section 100. Section 839.17, Florida Statutes, is  
4 amended to read:

5 839.17 Misappropriation of moneys by commissioners to  
6 make sales.--Any commissioner or general or special magistrate  
7 ~~master in chancery~~, having received the purchase money or the  
8 securities resulting from any of the sales authorized by law,  
9 who shall fail to deliver such moneys and securities, or  
10 either of them, to the executor or administrator, or the  
11 person entitled to receive the same, upon the order of the  
12 court, unless she or he is rendered unable to do so by some  
13 cause not attributable to her or his own default or neglect,  
14 shall be fined in a sum equal to the amount received from the  
15 purchaser, and commits ~~shall be guilty of~~ a felony of the  
16 second degree, punishable as provided in s. 775.082, s.  
17 775.083, or s. 775.084.

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

20 916.107 Rights of forensic clients.--

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

22 (a) A client committed to the department pursuant to  
23 this act shall be asked to give express and informed written  
24 consent for treatment. If a client in a forensic facility  
25 refuses such treatment as is deemed necessary by the client's  
26 multidisciplinary treatment team at the forensic facility for  
27 the appropriate care of the client and the safety of the  
28 client or others, such treatment may be provided under the  
29 following circumstances:

30 1. In an emergency situation in which there is  
31 immediate danger to the safety of the client or others, such

1 treatment may be provided upon the written order of a  
2 physician for a period not to exceed 48 hours, excluding  
3 weekends and legal holidays. If, after the 48-hour period,  
4 the client has not given express and informed consent to the  
5 treatment initially refused, the administrator or designee of  
6 the forensic facility shall, within 48 hours, excluding  
7 weekends and legal holidays, petition the committing court or  
8 the circuit court serving the county in which the facility is  
9 located, at the option of the facility administrator or  
10 designee, for an order authorizing the continued treatment of  
11 the client. In the interim, treatment may be continued  
12 without the consent of the client upon the continued written  
13 order of a physician who has determined that the emergency  
14 situation continues to present a danger to the safety of the  
15 client or others.

16         2. In a situation other than an emergency situation,  
17 the administrator or designee of the forensic facility shall  
18 petition the court for an order authorizing the treatment to  
19 the client. The order shall allow such treatment for a period  
20 not to exceed 90 days from the date of the entry of the order.  
21 Unless the court is notified in writing that the client has  
22 provided express and informed consent in writing or that the  
23 client has been discharged by the committing court, the  
24 administrator or designee shall, prior to the expiration of  
25 the initial 90-day order, petition the court for an order  
26 authorizing the continuation of treatment for another 90-day  
27 period. This procedure shall be repeated until the client  
28 provides consent or is discharged by the committing court.

29         3. At the hearing on the issue of whether the court  
30 should enter an order authorizing treatment for which a client  
31 has refused to give express and informed consent, the court

1 shall determine by clear and convincing evidence that the  
2 client is mentally ill, retarded, or autistic as defined in  
3 this chapter, that the treatment not consented to is essential  
4 to the care of the client, and that the treatment not  
5 consented to is not experimental and does not present an  
6 unreasonable risk of serious, hazardous, or irreversible side  
7 effects. In arriving at the substitute judgment decision, the  
8 court must consider at least the following factors:

- 9       a. The client's expressed preference regarding  
10 treatment;  
11       b. The probability of adverse side effects;  
12       c. The prognosis without treatment; and  
13       d. The prognosis with treatment.

14  
15 The hearing shall be as convenient to the client as may be  
16 consistent with orderly procedure and shall be conducted in  
17 physical settings not likely to be injurious to the client's  
18 condition. The court may appoint a general or special  
19 magistrate ~~master~~ to preside at the hearing. The client or the  
20 client's guardian, and the representative, shall be provided  
21 with a copy of the petition and the date, time, and location  
22 of the hearing. The client has the right to have an attorney  
23 represent him or her at the hearing, and, if the client is  
24 indigent, the court shall appoint the office of the public  
25 defender to represent the client at the hearing. The client  
26 may testify or not, as he or she chooses, and has the right to  
27 cross-examine witnesses and may present his or her own  
28 witnesses.

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

31

1           938.30 Financial obligations in criminal cases;  
2 supplementary proceedings.--

3           (11) The court may refer any proceeding under this  
4 section to a special magistrate ~~master~~ who shall report  
5 findings and make recommendations to the court. The court  
6 shall act on such recommendations within a reasonable amount  
7 of time.

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

10           945.43 Admission of inmate to mental health treatment  
11 facility.--

12           (3) PROCEDURE FOR HEARING ON TRANSFER OF AN INMATE FOR  
13 MENTAL HEALTH TREATMENT.--If the inmate does not waive a  
14 hearing or if the inmate or the inmate's representative files  
15 a petition for a hearing after having waived it, the court  
16 shall serve notice on the warden of the facility where the  
17 inmate is confined, the director, and the allegedly mentally  
18 ill inmate. The notice shall specify the date, time, and place  
19 of the hearing; the basis for the allegation of mental  
20 illness; and the names of the examining experts. The hearing  
21 shall be held within 5 days, and the court may appoint a  
22 general or special magistrate ~~master~~ to preside. The hearing  
23 may be as informal as is consistent with orderly procedure.  
24 One of the experts whose opinion supported the recommendation  
25 shall be present at the hearing for information purposes. If,  
26 at the hearing, the court finds that the inmate is mentally  
27 ill and in need of care and treatment, it shall order that he  
28 or she be transferred to a mental health treatment facility  
29 and provided appropriate treatment. The court shall provide a  
30 copy of its order authorizing transfer and all supporting  
31 documentation relating to the inmate's condition to the warden

1 of the treatment facility. If the court finds that the inmate  
2 is not mentally ill, it shall dismiss the petition for  
3 transfer.

4 Section 104. This act shall take effect October 1,  
5 2004.

6

7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 CS for Senate Bill 192

10 Corrects technical deficiencies. Removes bill's amendments  
11 that updated terminology and reinstates existing law to avoid  
12 any misinterpretation that the bill effects substantive  
13 change.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31