

By Representative Constantine

1                                   A bill to be entitled  
2           An act relating to public officers and  
3           employees; amending ss. 18.01, 19.14, 20.23,  
4           F.S.; eliminating bond requirements for the  
5           Treasurer, the Commissioner of Agriculture, and  
6           the comptroller of the Department of  
7           Transportation; amending s. 20.05, F.S.;  
8           allowing the head of an executive department to  
9           require bonds for officers or employees of the  
10          department and to set the amount of the bond  
11          and approve the bond; amending s. 20.32, F.S.;  
12          allowing the Parole Commission to require bonds  
13          for employees, set the bond amount, and approve  
14          the bonds; amending s. 27.255, F.S.;  
15          authorizing state attorneys to require bonds  
16          for full-time investigators and special  
17          investigators; amending ss. 28.01, 28.02,  
18          28.09, 30.01, 30.02, 30.06, 30.09, 30.21,  
19          40.35, F.S.; requiring bonds and the filing of  
20          bonds with the clerk of the circuit court as  
21          determined by the board of county commissioners  
22          for the clerk of the circuit court, clerks ad  
23          interim, sheriffs, and deputy sheriffs;  
24          providing requirements for bonds when sheriffs  
25          are appointed to fill vacancies; clarifying the  
26          liability of sureties; amending ss. 48.021,  
27          98.015, F.S.; eliminating bond requirements for  
28          special process servers, and supervisors of  
29          elections; amending s. 113.07, F.S.;  
30          eliminating the requirement for public  
31          officials to file a surety bond as a

1 prequalification to holding office or  
2 performing duties; amending s. 115.03, F.S.,  
3 relating to elected officers' duties;  
4 clarifying that any required bonds remain in  
5 effect for the remainder of a term of office;  
6 allowing for the deputy to give a bond;  
7 amending s. 137.01, F.S.; eliminating the bond  
8 requirements for county officers; allowing the  
9 board of county commissioners to require county  
10 officers to give a bond, set the amount of the  
11 bond, and approve the bond; requiring the  
12 filing of bonds with the clerk of the circuit  
13 court instead of the Department of State;  
14 amending s. 137.02, F.S.; eliminating the bond  
15 requirements for tax collectors; requiring bond  
16 as determined by the board of county  
17 commissioners; eliminating the requirement that  
18 the Department of State approve the bond;  
19 amending s. 137.03, F.S.; eliminating the bond  
20 requirement for property appraisers; requiring  
21 bond as determined by the board of county  
22 commissioners; amending s. 137.04, F.S.;  
23 eliminating the bond requirement for county  
24 commissioners; requiring bond as determined by  
25 the board; eliminating the requirement that the  
26 Department of State approve the bond; amending  
27 s. 137.05, F.S., relating to the examination  
28 requirements of bonds of county officers by the  
29 county commissioners; removing the examination  
30 criteria for sureties; removing the required  
31 report of impaired bonds by the county

1 commissioners to the Governor; amending s.  
2 240.268, F.S.; eliminating the bond requirement  
3 for university police officers; allowing the  
4 university to require a bond, set the amount of  
5 the bond, and approve the bond; amending s.  
6 240.38, F.S.; eliminating the bond requirement  
7 for community college police officers; allowing  
8 the community college to require a bond, set  
9 the amount of the bond, and approve the bond;  
10 amending s. 242.343, F.S.; eliminating the bond  
11 requirement for campus police of the Florida  
12 School for the Deaf and the Blind; allowing the  
13 board of trustees to require a bond, set the  
14 amount of the bond, and approve the bond;  
15 amending ss. 250.10, 266.00001, 266.0013, F.S.,  
16 and repealing s. 252.55(5), F.S.; eliminating  
17 bond requirements for the state quartermaster  
18 appointed by the Adjutant General, the Florida  
19 Wing commander of the Civil Air Patrol, and  
20 members of the historic preservation board;  
21 authorizing the Department of State to require  
22 and approve a bond for members of historic  
23 preservation boards; amending s. 284.41, F.S.;  
24 eliminating the coverage for trust funds by the  
25 public official bond of the Treasurer and  
26 Insurance Commissioner; amending s. 320.03,  
27 F.S.; allowing the Department of Highway Safety  
28 and Motor Vehicles to require a bond of tax  
29 collectors; amending s. 372.04, F.S.;  
30 eliminating the requirement for the Director of  
31 the Game and Fresh Water Fish Commission to

1 give a bond; allowing the Game and Fresh Water  
2 Fish Commission to require a bond of employees,  
3 to determine the amount of the bond, and to  
4 approve the bond; amending s. 388.131, F.S.;  
5 eliminating the bond requirement for the board  
6 of commissioners of mosquito-control districts;  
7 allowing the Department of Agriculture and  
8 Consumer Services to require a bond; amending  
9 s. 440.50, F.S.; eliminating the requirement  
10 for the Treasurer and Insurance Commissioner to  
11 give a bond related to his or her duties as  
12 custodian of the Workers' Compensation  
13 Administration Trust Fund; amending s. 443.191,  
14 F.S.; eliminating the liability on the  
15 Treasurer's and Insurance Commissioner's  
16 official bond for duties as custodian of the  
17 Unemployment Compensation Trust Fund; amending  
18 s. 443.211, F.S.; eliminating the liability on  
19 the Treasurer's and Insurance Commissioner's  
20 official bond for duties in connection with the  
21 Employment Security Administration Trust Fund;  
22 amending s. 523.22, F.S.; eliminating the  
23 requirement that the Legislature provide for  
24 premiums for the bonds of all naval store  
25 inspectors; amending ss. 561.051, 570.073,  
26 570.09, 570.11, 582.055, F.S.; eliminating bond  
27 requirements for the director and employees of  
28 the Division of Alcoholic Beverages and Tobacco  
29 of the Department of Business and Professional  
30 Regulation and for certain employees of the  
31 Department of Agriculture and Consumer

1 Services; repealing s. 17.01, F.S., which  
2 requires the Comptroller to give a bond;  
3 repealing s. 17.19, F.S., which requires the  
4 Comptroller to annually examine the bonds of  
5 state officers and report insufficiency of  
6 bonds to the Governor; requiring the Governor  
7 to require a new bond; holding the Comptroller  
8 liable to the state for any loss sustained due  
9 to failure to examine the bonds; providing for  
10 recovery of loss by suit; repealing s. 113.05,  
11 F.S., which prohibits the Governor from issuing  
12 commissions to persons required by law to give  
13 bond until the execution, approval, and filing  
14 of the bond; repealing s. 137.06, F.S., which  
15 provides that the failure of a county officer  
16 to file a new bond is misfeasance, requires the  
17 Governor to suspend the officer and appoint a  
18 successor, and makes an officer impeachable for  
19 failure to give a new bond; repealing s.  
20 137.07, F.S., which provides liability of the  
21 Comptroller and county commissioners to the  
22 state and county for failure to perform duties  
23 under s. 17.19, F.S., or s. 137.05, F.S.;  
24 repealing s. 213.04, F.S., which requires the  
25 executive director of the Department of Revenue  
26 to give a bond; repealing s. 229.501, F.S.,  
27 which requires the Commissioner of Education to  
28 give a bond; repealing s. 281.09, F.S., which  
29 requires bonding for the officers and agents of  
30 the Division of Capitol Police; repealing s.  
31 321.08, F.S., which requires certain officers

1 and employees of the Department of Highway  
2 Safety and Motor Vehicles to give a bond;  
3 repealing s. 523.11, F.S., which requires the  
4 supervising inspector of naval stores to give a  
5 bond; providing applicability; providing an  
6 effective date.

7

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

9

10 Section 1. Section 18.01, Florida Statutes, is amended  
11 to read:

12 18.01 Bond of Treasurer.--The Treasurer shall, within  
13 10 days before he or she enters upon the duties of office,  
14 ~~give a bond to the state, in the sum of \$100,000, with any~~  
15 ~~solvent surety insurer authorized to transact such business in~~  
16 ~~this state and qualified for the posting of bonds of public~~  
17 ~~officials under s. 627.754, to be approved by the Governor,~~  
18 ~~conditioned that the Treasurer will faithfully execute the~~  
19 ~~duties of office; and shall take and subscribe an oath or~~  
20 ~~affirmation faithfully to discharge the duties of office,~~  
21 ~~which bond and oath or affirmation must shall be deposited~~  
22 ~~with the Department of State. The Treasurer shall also file~~  
23 ~~and after such bond shall have been given, upon the filing~~  
24 ~~with the Department of State of a certificate from the~~  
25 ~~Comptroller attesting, that the retiring Treasurer has turned~~  
26 ~~over vouchers for all payments made as required by law, and~~  
27 ~~that the Treasurer's account has been truly credited with the~~  
28 ~~same, and that he or she has filed receipts from his or her~~  
29 ~~successor for all vouchers paid since the end of last quarter,~~  
30 ~~and for balance of cash, and for all bonds and other~~  
31 ~~securities held by the Treasurer as such, and a certificate~~

1 from each board of which he or she is made by law ex officio  
2 Treasurer, that he or she has satisfactorily accounted to such  
3 board as its Treasurer. ~~the bond given by such Treasurer and~~  
4 ~~the Treasurer's sureties shall be discharged and delivered up~~  
5 ~~and shall be canceled by the Comptroller. Such bond shall be~~  
6 ~~deemed to extend to the faithful execution of the office of~~  
7 ~~Treasurer by the person giving such bond until his or her~~  
8 ~~successor shall have qualified, and to the faithful~~  
9 ~~performance of the duties of Treasurer of each board or fund~~  
10 ~~of which he or she is or may be made by law ex officio the~~  
11 ~~Treasurer.~~

12 Section 2. Section 19.14, Florida Statutes, is amended  
13 to read:

14 19.14 Bond and oath of office.--The Commissioner of  
15 Agriculture shall, before he or she enters upon the duties of  
16 office, ~~give bond with good security to be approved by the~~  
17 ~~Governor of this state, in the sum of \$10,000, conditioned for~~  
18 ~~the faithful discharge of the duties of office; and shall take~~  
19 the oath of office prescribed by the constitution of the  
20 state.

21 Section 3. Subsection (4) is added to section 20.05,  
22 Florida Statutes, to read:

23 20.05 Heads of departments; powers and duties.--

24 (4) Each head of a department may require any officer  
25 or employee of the department to give a bond for the faithful  
26 performance of his or her duties. The head of a department may  
27 determine the amount of the bond and must approve the bond. In  
28 determining the amount of the bond, the head of the department  
29 may consider the amount of money or property likely to be in  
30 custody of the officer or employee at any one time. The

31

1 premiums for the bonds must be paid out of the funds of the  
2 department.

3 Section 4. Paragraph (i) of subsection (3) of section  
4 20.23, Florida Statutes, is amended to read:

5 20.23 Department of Transportation.--There is created  
6 a Department of Transportation which shall be a decentralized  
7 agency.

8 (3)

9 (i)1. The secretary shall appoint a comptroller who is  
10 ~~shall be~~ responsible to the Assistant Secretary for Finance  
11 and Administration. This position is exempt from part II of  
12 chapter 110.

13 2. The comptroller is the chief financial officer of  
14 the department and must ~~shall~~ be a proven, effective  
15 administrator who by a combination of education and experience  
16 clearly possesses a broad knowledge of the administrative,  
17 financial, and technical aspects of a complex cost-accounting  
18 system. The comptroller must also have a working knowledge of  
19 generally accepted accounting principles. At a minimum, the  
20 comptroller must ~~shall~~ hold an active license to practice  
21 public accounting in Florida pursuant to chapter 473 or an  
22 active license to practice public accounting in any other  
23 state. In addition to the requirements of the Florida Fiscal  
24 Accounting Management Information System Act, the comptroller  
25 is responsible for the development, maintenance, and  
26 modification of an accounting system that ~~which~~ will in a  
27 timely manner accurately reflect the revenues and expenditures  
28 of the department and that includes ~~which shall include~~ a  
29 cost-accounting system to properly identify, segregate,  
30 allocate, and report department costs. The comptroller shall  
31 supervise and direct preparation of a detailed 36-month



1 forecast of cash and expenditures and is ~~shall be~~ responsible  
2 for managing cash and determining cash requirements. The  
3 comptroller shall review all comparative cost studies that  
4 ~~which~~ examine the cost-effectiveness and feasibility of  
5 contracting for services and operations performed by the  
6 department. The review must ~~shall~~ state that the study was  
7 prepared in accordance with generally accepted cost-accounting  
8 standards applied in a consistent manner using valid and  
9 accurate cost data.

10 ~~3. The comptroller must give bond in the amount of~~  
11 ~~\$100,000, payable to the Governor and his or her successors in~~  
12 ~~office, to be approved by the Department of Banking and~~  
13 ~~Finance and conditioned upon the faithful performance of his~~  
14 ~~or her duties. The premiums of such bond shall be paid from~~  
15 ~~the funds for the maintenance of the department.~~

16 ~~3.4.~~ The department shall by rule or internal  
17 management memoranda as required by chapter 120 provide for  
18 the maintenance by the comptroller of financial records and  
19 accounts of the department as will afford a full and complete  
20 check against the improper payment of bills and provide a  
21 system for the prompt payment of the just obligations of the  
22 department, which records must at all times disclose:

23 a. The several appropriations available for the use of  
24 the department;

25 b. The specific amounts of each such appropriation  
26 budgeted by the department for each improvement or purpose;

27 c. The apportionment or division of all such  
28 appropriations among the several counties and districts, when  
29 such apportionment or division is made;

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1           d. The amount or portion of each such apportionment  
2 against general contractual and other liabilities then  
3 created;

4           e. The amount expended and still to be expended in  
5 connection with each contractual and other obligation of the  
6 department;

7           f. The expense and operating costs of the various  
8 activities of the department;

9           g. The receipts accruing to the department and the  
10 distribution thereof;

11           h. The assets, investments, and liabilities of the  
12 department; and

13           i. The cash requirements of the department for a  
14 36-month period.

15           ~~4.5.~~ The comptroller shall maintain a separate account  
16 for each fund administered by the department.

17           ~~5.6.~~ The comptroller shall perform such other related  
18 duties as ~~may be~~ designated by the department.

19           Section 5. Subsection (3) is added to section 20.32,  
20 Florida Statutes, to read:

21           20.32 Parole Commission.--

22           (3) The commission may require any employee of the  
23 commission to give a bond for the faithful performance of his  
24 or her duties. The commission may determine the amount of the  
25 bond and must approve the bond. In determining the amount of  
26 the bond, the commission may consider the amount of money or  
27 property likely to be in custody of the officer or employee at  
28 any one time. The premiums for the bonds must be paid out of  
29 the funds of the commission.

30           Section 6. Subsection (4) of section 27.255, Florida  
31 Statutes, is amended to read:

1           27.255 Investigators; authority to arrest,  
2 qualifications, rights, immunities, bond, and oath.--

3           (4) Any full-time investigator employed by the state  
4 attorney and any special investigator appointed by the state  
5 attorney pursuant to the provisions of s. 27.251 shall, before  
6 entering into the performance of duties, take and file the  
7 oath as prescribed in s. 5, Art. II of the State Constitution.  
8 The state attorney may require any full-time investigator  
9 employed by the state attorney or any special investigator  
10 appointed by the state attorney pursuant to the provisions of  
11 s. 27.251 to give a bond ~~and enter into a good and sufficient~~  
12 ~~bond with a surety company authorized to do business in this~~  
13 ~~state as surety thereon, conditioned on the faithful~~  
14 ~~performance of~~ the investigator's ~~duties and payable to the~~  
15 ~~Governor and his or her successors in the penal sum of \$5,000.~~

16           Section 7. Section 28.01, Florida Statutes, is amended  
17 to read:

18           28.01 Bond of circuit court clerks, small  
19 counties.--In each county of the state, having a population of  
20 150,000 or less according to the last state census, the clerk  
21 of the circuit court shall, ~~before being commissioned,~~ give  
22 bond as required ~~in a penalty which shall not be less than~~  
23 ~~\$1,000 nor more than \$5,000 to be fixed by the board of county~~  
24 ~~commissioners of the county, payable to the Governor of the~~  
25 ~~state and his or her successors in office, with two or more~~  
26 ~~good and sufficient sureties to be approved by the board of~~  
27 ~~county commissioners, and to be filed with and approved by the~~  
28 clerk of the circuit court and be ~~Department of State, which~~  
29 ~~said bond shall be~~ conditioned upon the faithful discharge of  
30 the duties of office.  
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1           Section 8. Section 28.02, Florida Statutes, is amended  
2 to read:

3           28.02 Bond of circuit court clerks, large  
4 counties.--In each county of the state, having a population in  
5 excess of 150,000 according to the last state census, the  
6 clerk of the circuit court shall, ~~before being commissioned,~~  
7 give bond as required ~~in a penalty which shall not be less~~  
8 ~~than \$5,000 nor more than \$100,000 to be fixed~~ by the board of  
9 county commissioners of the county, ~~payable to the Governor of~~  
10 ~~the state and his or her successors in office, with two or~~  
11 ~~more good and sufficient sureties to be approved by the board~~  
12 ~~of county commissioners, and to be filed with~~ the clerk of the  
13 circuit court and be ~~and approved by the Department of State,~~  
14 ~~which said bond shall be~~ conditioned upon the faithful  
15 discharge of the duties of office.

16           Section 9. Section 28.09, Florida Statutes, is amended  
17 to read:

18           28.09 Clerk ad interim.--In the case of vacancy  
19 occurring in the office of a clerk of the circuit court by  
20 death, resignation, or other cause, the judge of that court  
21 shall appoint a clerk ad interim, who shall assume all the  
22 responsibilities, perform all the duties, and receive the same  
23 compensation for the time being as if he or she had been duly  
24 appointed to fill the office; and the clerk shall give such  
25 bond and security for the faithful performance of duties as  
26 required ~~is prescribed~~ by the board of county commissioners  
27 ~~law~~.

28           Section 10. Section 30.01, Florida Statutes, is  
29 amended to read:

30           30.01 Bond of sheriffs; small counties.--In each  
31 county of the state, having a population of 150,000 or less

1 according to the last state census, the sheriff shall, ~~before~~  
2 ~~being commissioned,~~ give bond as required in a penalty which  
3 ~~shall not be less than \$200 nor more than \$10,000, to be fixed~~  
4 by the board of county commissioners of the county, ~~payable to~~  
5 ~~the Governor of the state and the Governor's successors in~~  
6 ~~office, with two or more good and sufficient sureties to be~~  
7 ~~approved by the board of county commissioners, and to be filed~~  
8 with ~~and approved by the~~ clerk of the circuit court and be  
9 ~~Department of State, which said bond shall be~~ conditioned upon  
10 the faithful discharge of the duties of his or her office.  
11 When a sheriff is appointed to fill a vacancy, a bond may not  
12 be a prerequisite to succession in office; however, if the  
13 county commission requires a bond for the office of sheriff  
14 the commission shall allow a period of 10 days after the  
15 effective date of the appointment in which the bond may be  
16 provided.

17 Section 11. Section 30.02, Florida Statutes, is  
18 amended to read:

19 30.02 Bond of sheriffs; large counties.--In each  
20 county in the state, having a population in excess of 150,000  
21 according to the last state census, the sheriff shall, ~~before~~  
22 ~~being commissioned,~~ give bond as required in a penalty which  
23 ~~shall not be less than \$10,000 nor more than \$25,000 to be~~  
24 ~~fixed by the board of county commissioners of the county,~~  
25 ~~payable to the Governor of the state and the Governor's~~  
26 ~~successors in office, with two or more good and sufficient~~  
27 ~~sureties to be approved by the board of county commissioners,~~  
28 ~~and to be filed with and approved by the~~ clerk of the circuit  
29 court and be ~~Department of State, which bond shall be~~  
30 conditioned upon the faithful discharge of the duties of his  
31 or her office. When a sheriff is appointed to fill a vacancy,

1 a bond may not be a prerequisite to succession in office;  
2 however, if the county commission requires a bond for the  
3 office of sheriff the commission shall allow a period of 10  
4 days after the effective date of the appointment in which the  
5 bond may be provided.

6 Section 12. Section 30.06, Florida Statutes, is  
7 amended to read:

8 30.06 Liability of sureties.--The sureties, if any,  
9 are shall be liable for all fines and amercements imposed upon  
10 the principal, or sheriff.

11 Section 13. Section 30.09, Florida Statutes, is  
12 amended to read:

13 30.09 Qualification of deputies; special deputies.--

14 (1) BOND, SURETIES, PERFORMANCE OF SERVICES.--

15 (a) Each deputy sheriff who is,appointed ~~as~~  
16 ~~aforsaid,~~shall be required to give bond as required by the  
17 board of county commissioners.in the penal sum of \$1,000,  
18 ~~payable to the Governor of Florida and the Governor's~~  
19 ~~successors in office, with two or more good and sufficient~~  
20 ~~sureties, to be~~ The amount of the bond and the bond must be  
21 approved by the board of county commissioners. The bond must  
22 be and filed with the clerk of the circuit court and be, ~~which~~  
23 ~~bond shall be~~ conditioned upon the faithful performance of the  
24 duties of his or her office. A No deputy sheriff may not  
25 ~~shall be allowed to~~ perform any services as ~~such~~ deputy until  
26 he or she subscribes ~~shall subscribe~~ to the oath now  
27 prescribed for sheriffs ~~and until the approval of the deputy's~~  
28 ~~bond. The aforsaid~~ Sureties are ~~shall be~~ liable for all  
29 fines and amercements imposed upon their principal.

30 (b) The board of county commissioners of any county  
31 may is ~~authorized to~~ accept a blanket surety bond issued by a

1 solvent surety company authorized to do business in this  
2 state, conditioned upon the faithful performance of the duties  
3 of the deputy sheriffs appointed by a sheriff, in a ~~the penal~~  
4 sum to be fixed by the board of county commissioners of not  
5 ~~less than \$1,000 payable to the Governor and his or her~~  
6 ~~successors in office.~~ If such a blanket surety bond is ~~shall~~  
7 ~~be~~ accepted, individual surety bonds for each deputy sheriff  
8 are not ~~shall no longer be~~ necessary. The cost of the blanket  
9 bond must ~~shall~~ be paid borne by the appropriate sheriff's  
10 department. ~~The aforesaid Sureties are shall be~~ liable for  
11 all fines and amercements imposed upon their principals under  
12 the provisions of the blanket bond.

13 (2) SURETY COMPANIES.--The requisite of two sureties  
14 and justification of same does ~~shall~~ not apply when ~~where~~  
15 surety is by a solvent surety company authorized to do  
16 business in this state.

17 (3) LIABILITY OF SHERIFF.--The giving of such ~~said~~  
18 bond by a ~~said~~ deputy does ~~shall~~ not ~~in any manner~~ relieve the  
19 sheriff of the liability for the acts of his or her deputies.

20 (4) EXCEPTIONS.--~~The provisions of This section does~~  
21 ~~shall~~ not apply to the appointment of special deputy sheriffs  
22 ~~when~~ appointed by the sheriff, ~~under the following~~  
23 ~~circumstances:~~

24 (a) ~~On election days,~~To attend elections on election  
25 days.

26 (b) To perform undercover investigative work.

27 (c) For specific guard or police duties in connection  
28 with public sporting or entertainment events, not to exceed 30  
29 days; or for watch or guard duties, when serving in such  
30 capacity at specified locations or areas only.

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1 (d) For special and temporary duties, without power of  
2 arrest, in connection with guarding or transporting prisoners.

3 (e) To aid in preserving law and order, or to give  
4 ~~render~~ necessary assistance in the event of any threatened or  
5 actual hurricane, fire, flood, or other natural disaster, or  
6 in the event of any major tragedy such as an airplane crash,  
7 train or automobile wreck, or similar accident.

8 (f) To raise the power of the county, by calling  
9 bystanders or others, to assist in quelling a riot or any  
10 breach of the peace, when ordered by the sheriff or an  
11 authorized general deputy.

12 (g) To serve as a parking enforcement specialist  
13 pursuant to s. 316.640(2).

14  
15 The appointment of a ~~any such~~ special deputy sheriff in any  
16 such circumstance, except with respect to paragraph (g), may  
17 be made with full powers of arrest when ~~whenever~~ the sheriff  
18 considers ~~deems~~ such appointment reasonable and necessary in  
19 the execution of the duties of his or her office. Except under  
20 circumstances described in paragraphs (a), (e), (f), and (g),  
21 the appointees must ~~shall~~ possess at least the minimum  
22 requirements established for law enforcement officers by the  
23 Criminal Justice Standards and Training Commission. The  
24 appointment of any such special deputy sheriff must ~~shall~~ be  
25 recorded in a register maintained for such purpose in the  
26 sheriff's office, showing the terms and circumstances of such  
27 appointment.

28 (5) REMOVAL FOR VIOLATION.--A violation of this  
29 section subjects ~~shall subject~~ the offender to removal by the  
30 Governor.

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1           Section 14. Section 30.21, Florida Statutes, is  
2 amended to read:

3           30.21 Failure to pay over money.--If any sheriff fails  
4 ~~shall fail~~ to collect or pay over fines, fees, costs, or other  
5 moneys adjudged to the state which he or she has ~~shall have~~  
6 been by proper process directed to collect, the sheriff  
7 forfeits ~~shall forfeit~~ his or her commissions and also is ~~be~~  
8 liable for ~~to~~ a fine of \$50, to be recovered by motion before  
9 the circuit court, after 10 days' notice, and the sheriff's  
10 sureties, if any, are ~~shall~~ also ~~be~~ liable for the amount of  
11 such moneys upon his or her bond as sheriff.

12           Section 15. Subsection (2) of section 40.35, Florida  
13 Statutes, is amended to read:

14           40.35 Accounting and payment to the State Courts  
15 Administrator.--

16           (2) If a ~~any such~~ clerk of the court fails to account  
17 for and pay over promptly the balance of all moneys ~~so~~ paid  
18 him or her, the sureties, if any, on a ~~the~~ clerk's official  
19 bond are ~~shall be held~~ liable and responsible for same; and  
20 the State Courts Administrator shall report to the Governor  
21 and the Comptroller any failure on the part of the clerk of  
22 the court to report and faithfully account for any such  
23 moneys.

24           Section 16. Paragraphs (b), (c), and (d) of subsection  
25 (2) of section 48.021, Florida Statutes, are amended to read:

26           48.021 Process; by whom served.--

27           (2)

28           (b) A person applying to become a special process  
29 server shall:

- 30           1. Be at least 18 years of age.  
31           2. Have no mental or legal disability.

- 1           3. Be a permanent resident of the state.
- 2           4. Submit to a background investigation that includes  
3 ~~which shall include~~ the right to obtain and review the  
4 criminal record of the applicant.
- 5           5. Obtain and file with the application a certificate  
6 of good conduct that, ~~which~~ specifies there is no pending  
7 criminal case against the applicant and that there is no  
8 record of any felony conviction, nor a record of a misdemeanor  
9 involving moral turpitude or dishonesty, with respect to the  
10 applicant within the past 5 years.
- 11          6. Submit to an examination testing the applicant's  
12 knowledge of the laws and rules regarding the service of  
13 process. The content of the examination and the passing grade  
14 thereon, and the frequency and the location at which the ~~such~~  
15 examination is ~~shall be~~ offered must ~~shall~~ be prescribed by  
16 the sheriff. The examination must ~~shall~~ be offered at least  
17 once annually.
- 18          ~~7. Execute a bond in the amount of \$5,000 with a~~  
19 ~~surety company authorized to do business in this state for the~~  
20 ~~benefit of any person wrongfully injured by malfeasance,~~  
21 ~~misfeasance, or neglect of duty, or incompetence of the~~  
22 ~~applicant, in connection with his or her duties as a process~~  
23 ~~server. Such bond shall be renewable annually.~~
- 24          ~~7.8.~~ Take an oath that the applicant will honestly,  
25 diligently, and faithfully exercise the duties of a special  
26 process server.
- 27          (c) The sheriff may prescribe additional rules and  
28 requirements directly related to subparagraphs (b)1.-7.  
29 ~~(b)1.-8.~~ regarding the eligibility of a person to become a  
30 special process server or to have his or her name maintained  
31 on the list of special process servers.

1           (d) An applicant who completes the requirements of set  
2 ~~forth in~~ this section must ~~shall~~ be designated as a special  
3 process server provided that the sheriff of the county has  
4 determined that the appointment of special process servers is  
5 necessary or desirable. Each special process server must ~~shall~~  
6 be issued an identification card bearing his or her  
7 identification number, printed name, signature and photograph,  
8 and an expiration date. Each identification card must ~~shall~~  
9 be renewable annually upon proof of good standing ~~and current~~  
10 ~~bond~~.

11           Section 17. Subsection (1) of section 98.015, Florida  
12 Statutes, is amended to read:

13           98.015 Supervisor of elections; election, tenure of  
14 office, compensation, custody of books, office hours,  
15 successor, seal; appointment of deputy supervisors; duties.--

16           (1) A supervisor of elections shall be elected in each  
17 county at the general election in each year the number of  
18 which is a multiple of four for a 4-year term commencing on  
19 the first Tuesday after the first Monday in January succeeding  
20 his or her election. Each supervisor shall, before performing  
21 any of his or her duties, take the oath prescribed in s. 5,  
22 Art. II of the State Constitution ~~and give a surety bond~~  
23 ~~payable to the Governor in the sum of \$5,000, conditioned on~~  
24 ~~the faithful discharge of the supervisor's duties.~~

25           Section 18. Section 113.07, Florida Statutes, is  
26 amended to read:

27           113.07 Bond by surety company; when required.--

28           (1) When ~~in all cases where~~ public officials, not  
29 honorary, either state, county or district, are ~~now, or shall~~  
30 ~~hereafter be~~, required to post fidelity or performance bonds,  
31

1 ~~all~~ such bonds must ~~shall~~ be written by surety companies  
2 authorized by law to do business in the state.

3 (2) The provisions of this law do ~~shall~~ not apply to  
4 deputy sheriffs, notaries public, or special process servers  
5 appointed to serve process under the provisions of s. 48.021.

6 ~~(3) No such official shall be qualified to hold office~~  
7 ~~or perform the duties thereof until such surety bond has been~~  
8 ~~filed.~~

9 ~~(3)(4)~~ The cost of the premium on such bond must ~~shall~~  
10 be paid out of the General Revenue Fund of the state or out of  
11 the county or out of the various districts, depending upon the  
12 class in which such officer belongs. If ~~in the event~~ any  
13 excess premium over the base premium rate is ~~should be~~ charged  
14 in the procurement of the bonds ~~herein provided for~~, such  
15 excess premium must ~~shall~~ be paid by the individual officer or  
16 official.

17 Section 19. Section 115.03, Florida Statutes, is  
18 amended to read:

19 115.03 Appointment of deputy; bond.--Before applying  
20 for a ~~such~~ leave of absence ~~as above mentioned~~, the ~~such~~  
21 officer shall appoint a capable and competent deputy to take  
22 over and perform the duties of the office, and any ~~the~~ bond  
23 required of the ~~such~~ officer must remain ~~shall be~~ in full  
24 force during the remainder of his or her term of office., ~~in~~  
25 ~~addition to which~~ Such deputy may ~~shall~~ be required to furnish  
26 ~~good and sufficient~~ bond in a sum of not more than one-half of  
27 the amount of the bond of the officer appointing him or her as  
28 such deputy, for the faithful performance of such duties.

29 Section 20. Section 137.01, Florida Statutes, is  
30 amended to read:

31

1           137.01 Bonds required by the board of county  
2 commissioners for county officers.--~~Each board of county~~  
3 commissioners may by ordinance require any county officer to  
4 give bond, conditioned for the faithful performance of the  
5 duties of his or her office. The amount of the bond and the  
6 bond must be approved by the board of county commissioners. In  
7 determining the amount of the bond, the board of county  
8 commissioners may consider the amount of money or property  
9 likely to be in custody of the county officer at any one time.  
10 The bond of each of the county officers of whom a bond is ~~or~~  
11 ~~shall be required~~ must ~~by law, shall, before he or she is~~  
12 ~~commissioned, give bond, with not less than two sureties, or a~~  
13 ~~surety company as hereinafter specified, to the Governor of~~  
14 ~~the state and the Governor's successors in office, conditioned~~  
15 ~~for the faithful performance of the duties of his or her~~  
16 ~~office, which shall be approved by the board of county~~  
17 ~~commissioners, and be filed with~~ the clerk of the circuit  
18 court and approved by the Department of State.

19           Section 21. Section 137.02, Florida Statutes, is  
20 amended to read:

21           137.02 Bond of tax collector.--The tax collector of  
22 each county shall give bond as required ~~in a sum to be fixed~~  
23 by the board of county commissioners of the respective county,  
24 ~~subject to the approval of the Department of State as to~~  
25 ~~amount and surety. This bond shall be~~ specifically  
26 conditioned to account duly and faithfully for all taxes  
27 collected by the tax collector. In fixing the ~~said~~ bond the  
28 board of county commissioners may consider ~~shall take into~~  
29 ~~consideration~~ the amount of money likely to be in the custody  
30 of the collector at any one time.

31

1           Section 22. Section 137.03, Florida Statutes, is  
2 amended to read:

3           137.03 Bond of property appraisers.--The county  
4 property appraiser shall give a bond as required, ~~the amount~~  
5 ~~of which shall be fixed~~ by the board of county commissioners  
6 ~~at not less than \$1,000 or more than \$10,000~~. In fixing the  
7 amount of the said bond, the board of county commissioners may  
8 consider ~~shall take into consideration~~ the amount of money  
9 likely to be in the custody of the property appraiser at any  
10 one time.

11           Section 23. Section 137.04, Florida Statutes, is  
12 amended to read:

13           137.04 County commissioners to give bond.--Each ~~and~~  
14 ~~every~~ county commissioner ~~of the several counties of the~~  
15 ~~state, whether~~ elected or appointed to such office ~~before he~~  
16 ~~or she is commissioned, must~~ shall be required to give a good  
17 ~~and sufficient bond with not less than two sureties, or a~~  
18 ~~surety company duly authorized under the laws of the state, in~~  
19 ~~the sum of \$2,000, conditioned for the faithful performance of~~  
20 the duties of his or her office as required, ~~which bond shall~~  
21 ~~be approved by the board of county commissioners and the~~  
22 ~~Department of State~~. The premium of the bonds given must ~~with~~  
23 ~~surety companies as sureties shall be paid out of the county~~  
24 treasury.

25           Section 24. Section 137.05, Florida Statutes, is  
26 amended to read:

27           137.05 Duty of boards of county commissioners.--The  
28 board of county commissioners of each county ~~the various~~  
29 ~~counties of the state~~ shall at its ~~their~~ regular meetings  
30 ~~meeting~~ in January and June of each year examine carefully as  
31 to the sufficiency of bonds of the county officers ~~of their~~

1 ~~respective counties, and if it has by reason of death,~~  
2 ~~assignment, or insolvency of any of the sureties on the bonds~~  
3 ~~of said officers, they have~~ reason to believe that the  
4 sufficiency of any said bond has become impaired, it must they  
5 ~~shall~~ at once ~~report the same to the Governor, who shall call~~  
6 ~~upon and~~ require the ~~such~~ officer ~~or officers~~ to execute and  
7 file with the proper officer a new bond for the same amount  
8 and, under the same conditions as his or her former bond.

9           Section 25. Subsection (4) of section 240.268, Florida  
10 Statutes, is amended to read:

11           240.268 University police officers.--

12           (4) University police must ~~shall~~ meet the minimum  
13 standards established by the Criminal Justice Standards and  
14 Training Commission and chapter 943. Each police officer  
15 shall, before entering into the performance of his or her  
16 duties, take the oath of office as established by the  
17 university; and the university may obtain and approve a ~~shall~~  
18 ~~enter into a good and sufficient~~ bond on each officer, payable  
19 to the Governor and his or her successors in office, ~~in the~~  
20 ~~penal sum of \$5,000 with a surety company authorized to do~~  
21 ~~business in this state as surety thereon, conditioned on the~~  
22 faithful performance of the duties of such university police  
23 officer. The university may determine the amount of the bond.  
24 In determining the amount of the bond, the university may  
25 consider the amount of money or property likely to be in the  
26 custody of the officer at any one time. The university shall  
27 provide a uniform set of identification credentials for each  
28 university police officer.

29           Section 26. Subsection (4) of section 240.38, Florida  
30 Statutes, is amended to read:

31           240.38 Community college police.--

1           (4) Community college police must meet the minimum  
2 standards established by the Police Standards and Training  
3 Commission of the Department of Law Enforcement and chapter  
4 943 for law enforcement officers. Each community college  
5 police officer must, before entering into the performance of  
6 his or her duties, take the oath of office established by the  
7 community college. Each community college that employs police  
8 officers may shall obtain and approve a ~~surety~~ bond on each  
9 police officer, conditioned upon the officer's faithful  
10 performance of his or her duties, which bond must be ~~in the~~  
11 ~~amount of \$5,000~~ payable to the Governor. The community  
12 college may determine the amount of the bond. In determining  
13 the amount of the bond, the community college may consider the  
14 amount of money or property likely to be in the custody of the  
15 officer at any one time ~~bond must be obtained from a surety~~  
16 ~~company authorized to do business in this state.~~ The  
17 community college shall provide a uniform set of identifying  
18 credentials to each community college police officer it  
19 employs.

20           Section 27. Subsection (4) of section 242.343, Florida  
21 Statutes, is amended to read:

22           242.343 Florida School for the Deaf and the Blind  
23 campus police.--

24           (4) The campus police must meet the minimum standards  
25 established by the Criminal Justice Standards and Training  
26 Commission of the Department of Law Enforcement and chapter  
27 943 for law enforcement officers. Each campus police officer  
28 must, before entering into the performance of the officer's  
29 duties, take the oath of office established by the board of  
30 trustees. The board of trustees may shall obtain and approve a  
31 ~~surety~~ bond on each campus police officer, conditioned upon



1 the officer's faithful performance of the officer's duties,  
2 which bond must be ~~in the amount of \$5,000~~ payable to the  
3 Governor. The board of trustees may determine the amount of  
4 the bond. In determining the amount of the bond, the board may  
5 consider the amount of money or property likely to be in the  
6 custody of the officer at any one time ~~bond must be obtained~~  
7 ~~from a surety company authorized to do business in this state.~~  
8 The board of trustees must ~~shall~~ provide a uniform set of  
9 identifying credentials to each campus police officer it  
10 employs.

11 Section 28. Subsection (5) of section 250.10, Florida  
12 Statutes, is amended to read:

13 250.10 Appointment and duties of the Adjutant  
14 General.--

15 (5) The Adjutant General shall employ a federally  
16 recognized officer of the Florida National Guard as the state  
17 quartermaster who under the direction of the Adjutant General  
18 is ~~shall be~~ accountable for all funds accruing to the  
19 Department of Military Affairs and shall ~~receive~~, preserve,  
20 repair, issue, distribute, and account for all Department of  
21 Military Affairs property, including ~~to include~~ real estate  
22 pertaining to the State Armory Board, and shall ~~construct~~,  
23 maintain, improve, and repair facilities pertaining to the  
24 Department of Military Affairs and the armory board. ~~The~~  
25 state quartermaster will be the recorder of the armory board  
26 and will perform such other duties as may be required of him  
27 or her by the Adjutant General. ~~the state quartermaster shall~~  
28 ~~give a surety bond in a surety company approved by the~~  
29 ~~Adjutant General in such amount as the Adjutant General may~~  
30 ~~determine.~~

31

1           Section 29. Subsection (2) of section 266.00001,  
2 Florida Statutes, is amended to read:

3           266.00001 Historic preservation boards of trustees;  
4 authority of Department of State.--

5           (2) The boards are placed under the administrative  
6 supervision of the Division of Historical Resources of the  
7 Department of State. The department may require members of the  
8 board appointed as provided in s. 266.0013 to give a bond.

9           Section 30. Subsection (4) of section 266.0013,  
10 Florida Statutes, is amended to read:

11           266.0013 Board; membership; terms of office;  
12 compensation; expenses; bond; removal.--

13           (4) The members of the board, including the chair, may  
14 not receive compensation for their services but are entitled  
15 to be reimbursed for per diem and travel expenses incurred in  
16 the performance of their official duties as members of the  
17 board, subject to the provisions and limitations of s.

18 ~~112.061. Each member shall give a surety bond in the sum of~~  
19 ~~\$5,000, executed by a surety company authorized to do business~~  
20 ~~in this state, payable to the Governor and the Governor's~~  
21 ~~successors in office, and conditioned upon the faithful~~  
22 ~~performance of the member's duties. The cost of each such~~  
23 ~~bond must be paid by the board.~~

24           Section 31. Subsection (5) of section 252.55, Florida  
25 Statutes, is repealed.

26           Section 32. Section 284.41, Florida Statutes, is  
27 amended to read:

28           284.41 Transfer of personnel and funds to the Division  
29 of Risk Management; ~~extension of Insurance Commissioner and~~  
30 ~~Treasurer's public official bond.--~~

31

1           (1) All personnel and funds otherwise allocated to the  
2 Department of Insurance for this purpose are ~~hereby~~  
3 transferred to the Division of Risk Management.

4           (2) The administration of parts I, II, and III of this  
5 chapter is ~~shall be~~ a function of the Division of Risk  
6 Management.

7           ~~(3) The current public official bond covering the~~  
8 ~~Insurance Commissioner and Treasurer is hereby extended to~~  
9 ~~include the trust funds hereby created.~~

10           Section 33. Subsection (2) of section 320.03, Florida  
11 Statutes, is amended to read:

12           320.03 Registration; duties of tax collectors;  
13 International Registration Plan.--

14           (2) The department may require each tax collector ~~is~~  
15 ~~required~~ to give a ~~good and sufficient surety~~ bond, payable to  
16 the department, conditioned that the tax collector ~~will~~  
17 faithfully and truly perform the duties imposed upon him or  
18 her according to the requirements of law and the rules and  
19 regulations of the department and that the tax collector ~~will~~  
20 ~~well and truly~~ pay over and account for all validation  
21 stickers, records, and other property and money that comes  
22 ~~which may come~~ into his or her possession or control by reason  
23 of such service. The amount of the ~~such~~ bond is to ~~shall~~ be  
24 determined by the department based on an amount not more than  
25 10 percent above the average of the daily deposits of each tax  
26 collector.

27           Section 34. Section 372.04, Florida Statutes, is  
28 amended to read:

29           372.04 Director of commission.--The commission shall  
30 appoint, fix the salary of, and at pleasure remove ~~a~~ suitable  
31 person, not a member of the commission, as director. The said

1 director must ~~shall~~ be reimbursed for travel and other  
2 expenses incurred in the discharge of her or his official  
3 duties. The commission may require any employee of the  
4 commission to give a bond for the faithful performance of his  
5 or her duties. The commission may determine the amount of the  
6 bond and must approve the bond. In determining the amount of  
7 the bond, the commission may consider the amount of money or  
8 property likely to be in custody of the officer or employee at  
9 any one time. The premiums for the bonds must be paid out of  
10 the funds of the commission. ~~The director shall give bond in~~  
11 ~~the sum of \$10,000, conditioned upon the faithful performance~~  
12 ~~of the director's official duties, payable to the Governor and~~  
13 ~~her or his successors in office, with some reputable bonding~~  
14 ~~corporation authorized to do business in this state as surety,~~  
15 ~~said bond to be approved by the Department of Banking and~~  
16 ~~Finance. Said director shall maintain her or his headquarters~~  
17 ~~and reside in Tallahassee.~~

18 Section 35. Section 388.131, Florida Statutes, is  
19 amended to read:

20 388.131 Commissioners; ~~surety~~ bond. ~~--The department~~  
21 may require each commissioner, before he or she assumes  
22 office, ~~shall be required~~ to give the Commissioner of  
23 Agriculture a ~~good and sufficient surety bond in the sum of~~  
24 ~~\$2,000, the cost thereof being borne by the district,~~  
25 conditioned on the faithful performance of the duties of his  
26 or her office. ~~The,~~ said bond must ~~to~~ be approved and filed in  
27 the same manner as a bond ~~is that~~ of the board of county  
28 commissioners. The failure of any person to make and file the  
29 required ~~this~~ bond within 10 days after his or her election  
30 creates ~~shall create~~ a vacancy on the ~~said~~ board.

31

1 Section 36. Subsection (2) of section 440.50, Florida  
2 Statutes, is amended to read:

3 440.50 Workers' Compensation Administration Trust  
4 Fund.--

5 (2) The Treasurer is authorized to disburse moneys  
6 from such fund only when approved by the division and upon the  
7 order of the Comptroller. ~~He or she shall be required to give~~  
8 ~~bond in an amount to be approved by the division conditioned~~  
9 ~~upon the faithful performance of his or her duty as custodian~~  
10 ~~of such fund.~~

11 Section 37. Subsection (2) of section 443.191, Florida  
12 Statutes, is amended to read:

13 443.191 Unemployment Compensation Trust Fund;  
14 establishment and control.--

15 (2) The Treasurer is ~~shall be~~ the ex officio treasurer  
16 and custodian of the fund and shall administer the ~~such~~ fund  
17 in accordance with the directions of the division. All  
18 payments from the fund must ~~shall~~ be approved by the division  
19 or by a duly authorized agent and must ~~shall~~ be made by the  
20 Treasurer upon warrants issued by the Comptroller, except as  
21 hereinafter provided. The Treasurer shall maintain within the  
22 fund three separate accounts:

23 (a) A clearing account;

24 (b) An Unemployment Compensation Trust Fund account;

25 and

26 (c) A benefit account.

27  
28 All moneys payable to the fund, including moneys received from  
29 the United States as reimbursement for extended benefits paid  
30 by the division, upon receipt thereof by the division, must  
31 ~~shall~~ be forwarded to the Treasurer, who shall immediately

1 deposit them in the clearing account. Refunds payable under  
2 ~~pursuant to~~ s. 443.141 may be paid from the clearing account  
3 upon warrants issued by the Comptroller ~~as above set forth~~.  
4 After clearance ~~thereof~~, all other moneys in the clearing  
5 account must ~~shall~~ be immediately deposited with the Secretary  
6 of the Treasury of the United States to the credit of the  
7 account of this state in the Unemployment Compensation Trust  
8 Fund established and maintained under ~~pursuant to~~ s. 904 of  
9 the Social Security Act, as amended, any provisions of the law  
10 in this state relating to the deposit, administration,  
11 release, or disbursement of moneys in the possession or  
12 custody of this state to the contrary notwithstanding. The  
13 benefit account shall consist of all moneys requisitioned from  
14 this state's account in the Unemployment Compensation Trust  
15 Fund. Except as ~~herein~~ otherwise provided, moneys in the  
16 clearing and benefit accounts may be deposited by the  
17 Treasurer, under the direction of the division, in any bank or  
18 public depository in which general funds of the state may be  
19 deposited, but no public deposit insurance charge or premium  
20 may ~~shall~~ be paid out of the fund. If any warrant issued  
21 against the clearing account or the benefit account is not  
22 presented for payment within 1 year after issuance thereof,  
23 the Comptroller must ~~shall~~ cancel the same and credit without  
24 restriction the amount of such warrant to the account upon  
25 which it is drawn. When the payee or person entitled to any  
26 warrant so canceled requests payment thereof, the Comptroller,  
27 upon direction of the division, must ~~shall~~ issue a new warrant  
28 therefor, to be paid out of the account against which the  
29 canceled warrant had been drawn. ~~The Treasurer shall be liable~~  
30 ~~on her or his official bond for the faithful performance of~~  
31 ~~her or his duties as custodian of the fund.~~

1 Section 38. Subsection (1) of section 443.211, Florida  
2 Statutes, is amended to read:

3 443.211 Employment Security Administration Trust Fund;  
4 appropriation; reimbursement.--

5 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST  
6 FUND.--There is created in the State Treasury a special fund  
7 to be known as the "Employment Security Administration Trust  
8 Fund." All moneys that ~~which~~ are deposited ~~or paid~~ into this  
9 fund remain ~~shall be~~ continuously available to the division  
10 for expenditure in accordance with the provisions of this  
11 chapter and do ~~shall~~ not lapse at any time and may not ~~or~~ be  
12 transferred to any other fund. All moneys in this fund which  
13 are received from the Federal Government or any agency thereof  
14 or which are appropriated by this state for the purposes  
15 described in ss. 443.171 and 443.181, except money received  
16 under ~~pursuant to~~ s. 443.191(5)(c), must ~~shall~~ be expended  
17 solely for the purposes and in the amounts found necessary by  
18 the authorized cooperating federal agencies for the proper and  
19 efficient administration of this chapter. The fund shall  
20 consist of all moneys appropriated by this state; all moneys  
21 received from the United States or any agency thereof; all  
22 moneys received from any other source for such purpose; any  
23 moneys received from any agency of the United States or any  
24 other state as compensation for services or facilities  
25 supplied to such agency; any amounts received pursuant to any  
26 surety bond or insurance policy or from other sources for  
27 losses sustained by the Employment Security Administration  
28 Trust Fund or by reason of damage to equipment or supplies  
29 purchased from moneys in such fund; and any proceeds realized  
30 from the sale or disposition of any such equipment or supplies  
31 which may no longer be necessary for the proper administration

1 of this chapter. Notwithstanding any provision of this  
2 section, all money requisitioned and deposited in this fund  
3 under ~~pursuant to~~ s. 443.191(5)(c) remains ~~shall remain~~ part  
4 of the Unemployment Compensation Trust Fund and must ~~shall~~ be  
5 used only in accordance with the conditions specified in s.  
6 443.191(5). All moneys in this fund must ~~shall~~ be deposited,  
7 administered, and disbursed in the same manner and under the  
8 same conditions and requirements as is provided by law for  
9 other special funds in the State Treasury. Such moneys must  
10 ~~shall~~ be secured by the depository in which they are held to  
11 the same extent and in the same manner as required by the  
12 general depository law of the state, and collateral pledged  
13 must ~~shall~~ be maintained in a separate custody account. All  
14 payments from the Employment Security Administration Trust  
15 Fund must ~~shall~~ be approved by the division or by a duly  
16 authorized agent and must ~~shall~~ be made by the Treasurer upon  
17 warrants issued by the Comptroller. Any balances in this fund  
18 do ~~shall~~ not lapse at any time and must remain ~~but shall be~~  
19 continuously available to the division for expenditure  
20 consistent with this chapter. ~~The Treasurer shall be liable~~  
21 ~~on her or his official bond for the faithful performance of~~  
22 ~~her or his duties in connection with the Employment Security~~  
23 ~~Administration Trust Fund provided for under this chapter.~~  
24 ~~Such liability on the official bond shall be effective~~  
25 ~~immediately upon the enactment of this provision, and such~~  
26 ~~liability shall exist in addition to any liability upon any~~  
27 ~~separate bond existent on the effective date of this~~  
28 ~~provision, or which may be given in the future. All sums~~  
29 ~~recovered on any surety bond for losses sustained by the~~  
30 ~~Employment Security Administration Trust Fund shall be~~  
31 ~~deposited in that fund.~~



1           Section 39. Section 523.22, Florida Statutes, is  
2 amended to read:

3           523.22 Disposition of fees.--All fees or other  
4 compensation collected by the supervising inspector,  
5 inspectors at large, and inspectors of ports under the  
6 provisions of ss. 523.10, 523.13 and 523.18 must ~~shall~~ be  
7 deposited by the inspector collecting same with the State  
8 Treasurer and must ~~shall~~ be accounted for in the same way as  
9 are other state funds. The State Treasurer shall credit all  
10 such receipts to the General Revenue Fund and the Legislature  
11 shall provide in its General Appropriations Act sufficient  
12 sums for the salaries and expenses ~~including premiums on bonds~~  
13 ~~required~~ of all naval stores inspectors appointed under this  
14 chapter.

15           Section 40. Section 561.051, Florida Statutes, is  
16 amended to read:

17           561.051 Reporting requirements ~~Bond~~ of director and  
18 ~~employees.--~~

19           (1) The director of the division ~~shall furnish a~~  
20 ~~surety bond by a surety company authorized to do business in~~  
21 ~~this state in the sum of \$100,000, payable to the Governor and~~  
22 ~~to be approved by the Comptroller, conditioned upon the~~  
23 ~~faithful performance of his or her duties. He or she shall~~  
24 promptly report and remit to the Treasurer all taxes and fees  
25 collected by him or her hereunder and shall send copies ~~a copy~~  
26 of the reports to the Comptroller.

27           (2) ~~All employees and assistants of the division shall~~  
28 ~~be covered by a blanket bond in such amount as determined by~~  
29 ~~the director, conditioned upon the faithful performance of~~  
30 ~~their duties, payable to the state for the use and benefit of~~  
31 ~~the division.~~

1           ~~(3) The premiums on the bond of the director and the~~  
2 ~~blanket bond covering all employees and assistants of the~~  
3 ~~division, as herein provided, shall be paid by the state.~~

4           Section 41. Section 570.09, Florida Statutes, is  
5 amended to read:

6           570.09 Assistant commissioner.--The commissioner shall  
7 appoint an assistant commissioner of agriculture, who shall  
8 serve at the commissioner's pleasure. Before beginning the  
9 duties of the office, the assistant commissioner shall take  
10 and subscribe to the same oath of office as required of state  
11 officers in s. 5, Art. II of the Florida Constitution ~~and give~~  
12 ~~bond as provided in s. 570.11.~~ The assistant commissioner  
13 shall be a person qualified by training and experience for the  
14 performance of the duties of the office.

15           Section 42. Subsections (4) and (5) of section  
16 570.073, Florida Statutes, are amended to read:

17           570.073 Department of Agriculture and Consumer  
18 Services, law enforcement officers.--

19           ~~(4) Each department law enforcement officer shall be~~  
20 ~~covered by a public employee's faithful-performance-of-duty~~  
21 ~~bond, with a corporate surety authorized to transact insurance~~  
22 ~~in this state, in the sum of \$5,000, to be approved by the~~  
23 ~~department, conditioned upon the faithful performance of duty~~  
24 ~~and payable to the commissioner and the commissioner's~~  
25 ~~successors in office.~~

26           (4)~~(5)~~ Each law enforcement officer in the state who  
27 is certified pursuant to chapter 943 has the same authority as  
28 law enforcement officers designated in this section to enforce  
29 the laws of this state as described in subsection (1).

30           Section 43. Section 570.11, Florida Statutes, is  
31 amended to read:

1           570.11 Directors; oath of office.--Before entering  
2 upon the duties of his or her office, each director of the  
3 department shall take and subscribe to the same oath of office  
4 as required of state officers by s. 5, Art. II of the Florida  
5 Constitution, ~~and give bond with good security to be approved~~  
6 ~~by the Governor; in the sum of \$10,000, conditioned upon the~~  
7 ~~faithful discharge of the duties of his or her office.~~ Such  
8 oath must ~~shall~~ be filed with the Department of State.

9           Section 44. Subsection (4) of section 582.055, Florida  
10 Statutes, is amended to read:

11           582.055 Powers and duties of the Department of  
12 Agriculture and Consumer Services; rules.--

13           (4) The department ~~shall provide for the execution of~~  
14 ~~surety bonds for all employees who are entrusted with funds or~~  
15 ~~property, and it shall provide for an annual audit of the~~  
16 accounts of receipts and disbursements.

17           Section 45. Sections 17.01, 17.19, 113.05, 137.06,  
18 137.07, 213.04, 229.501, 281.09, and 321.08, Florida Statutes,  
19 and section 523.11, Florida Statutes, as amended by section  
20 705 of chapter 97-103, Laws of Florida, are repealed.

21           Section 46. The provisions of this act do not affect a  
22 cause of action that accrued before the effective date of the  
23 act.

24           Section 47. This act shall take effect July 1, 1998.

25  
26           \*\*\*\*\*

27           SENATE SUMMARY

28           Repeals provisions that require certain specified public  
29 officers and employees to post performance bonds for the  
30 faithful performance of their duties.  
31