

1                   A bill to be entitled  
2           An act relating to filings with the Department  
3           of State; amending s. 606.03, F.S.; providing  
4           definitions; amending s. 606.04, F.S.;  
5           specifying purposes and use of a master  
6           business index; providing requirements for  
7           participating agencies; authorizing the  
8           department to create a directory of business  
9           activity for certain purposes; creating s.  
10          606.06, F.S.; authorizing the department to use  
11          a uniform business report for certain purposes;  
12          amending ss. 495.071, 607.0121, 607.1622,  
13          608.4511, 617.0121, 617.1622, and 865.09, F.S.;  
14          authorizing the department to prescribe forms;  
15          providing for use of the uniform business  
16          report as a substitute for certain reporting  
17          and renewal requirements; amending s. 620.177,  
18          F.S.; providing additional requirements for  
19          annual reports; authorizing use of the uniform  
20          business report; amending ss. 15.16, 607.0120,  
21          607.0123, 607.0124, 607.0125, 607.0127, and  
22          607.0141, F.S.; providing for electronic filing  
23          of documents; revising certain filing  
24          requirements; amending s. 607.01401, F.S.;  
25          providing definitions relating to electronic  
26          filing; amending s. 339.12, F.S.; correcting a  
27          cross reference; repealing s. 15.09(1)(d);  
28          repealing s. 15.091(2), F.S., relating to  
29          filing or copying fees; providing an effective  
30          date.  
31

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

2

3 Section 1. Subsections (4) and (5) of section 606.03,  
4 Florida Statutes, are renumbered as subsections (5) and (6),  
5 respectively, and new subsections (4) and (7) are added to  
6 said section, to read:

7 606.03 Definitions.--As used in this act:

8 (4) "Participating agency" means an agency of  
9 government which elects to participate in the exchange of  
10 information through the master business index.

11 (7) "Uniform business report" means an information  
12 gathering document distributed by the department to collect or  
13 update current data for the master business index.

14 Section 2. Section 606.04, Florida Statutes, is  
15 amended to read:

16 606.04 Master ~~Single~~ business index identifier.--

17 (1)(a) The department shall create a master business  
18 index, using as an initial base the commercial regulation and  
19 registration program databases the department currently  
20 maintains. Each business entity shall be assigned a unique  
21 single business identifier for interagency use. The master  
22 business index shall serve as the state's central index of  
23 business entities and shall reflect a listing of all licenses  
24 and registrations held by a business with any participating  
25 agency.

26 (b) Each participating agency, notwithstanding any  
27 other requirement of law, shall:

28 1. Provide updated information regarding the status of  
29 a business entity which the agency regulates or licenses and  
30 on which the agency maintains records.

31

1           2. Have the discretion to use the index as an  
2 alternative means of acquiring information about a business  
3 entity and, as necessary, use the information in the index to  
4 comply with the various requirements for registration, license  
5 issuance, renewal, or otherwise in the fulfillment of the  
6 agency's statutory responsibilities.

7           3. Have the discretion to use the index in any  
8 instance as an authorized source for the creation or amendment  
9 of any official records.

10           (c) The department is authorized to create, in  
11 conjunction with the master business index, a directory of  
12 business activity which will facilitate the exchange of  
13 information on Florida's business opportunities and further  
14 the international and domestic economic development efforts of  
15 this state.

16           (2) The department is authorized to take the actions  
17 it deems necessary to integrate all nonbusiness entity or  
18 commercial registrations it maintains into the master business  
19 index such that all registrations maintained for a business  
20 entity are reflected in the index in a consolidated manner.

21           (3) The department is authorized to enter into any  
22 formal agreement with federal, state, or local agencies to  
23 facilitate the registration of a business entity with that  
24 agency ~~take the actions it deems practical to consolidate its~~  
25 ~~various renewal or annual mailings, to include the altering of~~  
26 ~~specified mailing dates and filing deadlines.~~

27           Section 3. Section 606.06, Florida Statutes, is  
28 created to read:

29           606.06 Uniform business report.--The department may  
30 use the uniform business report:

31

1           (1) To create index records and for referral to other  
2 federal, state, or local agencies as requested by a  
3 registrant.

4           (2) As a substitute for any annual report or renewal  
5 filing required by chapters 495, 607, 608, 609, 617, 620, 621,  
6 and 865.

7           (3) As the means for any registrant to apply for the  
8 issuance of a Federal Employer Identification Number, pursuant  
9 to any formal agreement with the Internal Revenue Service of  
10 the United States.

11           (4) To comply with any formal agreement for  
12 information exchange or reciprocal issuance of a license  
13 permit or registration.

14           (5) To facilitate the creation and maintenance of a  
15 database and a directory of businesses and any information  
16 regarding the activities of such businesses which will further  
17 the international and domestic economic development efforts of  
18 this state.

19           Section 4. Subsections (3), (4), and (5) of section  
20 495.071, Florida Statutes, are amended to read:

21           495.071 Duration and renewal.--

22           (3) The Department of State shall notify registrants  
23 of marks hereunder of the necessity of renewal within the year  
24 next preceding the expiration of the 10 years from the date of  
25 registration by writing to the last known address of the  
26 registrants. The department shall prescribe the forms on which  
27 to make the required notification and the renewal called for  
28 in subsection (1) and may substitute the uniform business  
29 report, pursuant to s. 606.06, as a means of satisfying the  
30 requirement of this part.

31

1       ~~(4) Any registration in force on the date on which~~  
2 ~~this chapter shall become effective shall be effective for a~~  
3 ~~term of 10 years from the date of the registration or of the~~  
4 ~~last renewal thereof or 1 year after the effective date of~~  
5 ~~this chapter, whichever is later, and may be renewed by filing~~  
6 ~~an application with the Department of State on a form~~  
7 ~~furnished by it and paying the aforementioned renewal fee~~  
8 ~~therefor within 6 months prior to the expiration of the~~  
9 ~~registration.~~

10       (4)(5) All applications for renewals under this  
11 chapter shall include a statement that the mark is still in  
12 use in this state, or that its nonuse is due to special  
13 circumstances which excuse such nonuse and is not due to any  
14 intention to abandon the mark.

15       Section 5. Paragraph (d) of subsection (1) of section  
16 607.0121, Florida Statutes, is amended to read:

17       607.0121 Forms.--

18       (1) The Department of State may prescribe and furnish  
19 on request forms for:

20       (d) The annual report, for which the department may  
21 prescribe the use of the uniform business report, pursuant to  
22 s. 606.06.

23  
24 If the Department of State so requires, the use of these forms  
25 shall be mandatory.

26       Section 6. Subsection (9) is added to section  
27 607.1622, Florida Statutes, to read:

28       607.1622 Annual report for Department of State.--

29       (9) The department shall prescribe the forms on which  
30 to make the annual report called for in this section and may  
31

1 substitute the uniform business report, pursuant to s. 606.06,  
2 as a means of satisfying the requirement of this part.

3 Section 7. Paragraph (8) is added to section 608.4511,  
4 Florida Statutes, to read:

5 608.4511 Annual report for Department of State.--

6 (8) The department shall prescribe the forms on which  
7 to make the annual report called for in this section and may  
8 substitute the uniform business report, pursuant to s. 606.06,  
9 as a means of satisfying the requirement of this part.

10 Section 8. Paragraph (d) of subsection (1) of section  
11 617.0121, Florida Statutes, is amended to read:

12 617.0121 Forms.--

13 (1) The Department of State may prescribe and furnish  
14 on request forms for:

15 (d) The annual report, for which the department may  
16 prescribe the use of the uniform business report, pursuant to  
17 s. 606.06.

18  
19 If the Department of State so requires, the use of these forms  
20 shall be mandatory.

21 Section 9. Subsection (9) is added to section  
22 617.1622, Florida Statutes, to read:

23 617.1622 Annual report for Department of State.--

24 (9) The department shall prescribe the forms on which  
25 to make the annual report called for in this section and may  
26 substitute the uniform business report, pursuant to s. 606.06,  
27 as a means of satisfying the requirement of this part.

28 Section 10. Section 620.177, Florida Statutes, is  
29 amended to read:

30 620.177 Annual report of domestic or foreign limited  
31 partnership; renewal of authority.--

1           (1) To renew the certificate of authority for a  
2 limited partnership, ~~which certificate expires on January 1 of~~  
3 ~~each year~~, each domestic or foreign limited partnership  
4 authorized to transact business in this state shall file with  
5 the Department of State, between January 1 and May 1 ~~on or~~  
6 ~~before December 31~~ of each year, a sworn report on such forms  
7 as the department prescribes, which report must set forth:

8           (a) If a domestic limited partnership, the name of the  
9 limited partnership or, if a foreign limited partnership, the  
10 name under which it is registered to transact business in this  
11 state.

12           (b) The name of the state of formation.

13           (c) The date of formation in this state or the date of  
14 original registration in this state.

15           (d) If a domestic limited partnership, the address of  
16 the office, and the name and address of the agent for service  
17 of process, required to be maintained by s. 620.105; or, if a  
18 foreign limited partnership, the address of the office  
19 required to be maintained by s. 620.169 and the name and  
20 address of any agent for service of process appointed pursuant  
21 to s. 620.169.

22           (e) The name and the business address of each general  
23 partner. Each general partner that is a legal or commercial  
24 entity and not an individual must be organized or otherwise  
25 registered with the Department of State as required by law,  
26 must maintain an active status, and must not be dissolved,  
27 revoked, or withdrawn.

28           (f) A mailing address for the partnership.

29           (g) If a domestic limited partnership, the amount of  
30 the capital contributions of its limited partners or, if a  
31 foreign limited partnership, the amount of the capital

1 contributions of its limited partners that is allocated for  
2 the purpose of transacting business in this state.

3 (h) The federal employer identification number of the  
4 limited partnership, if any, or if none, whether one has been  
5 applied for.

6 (i)~~(h)~~ Any additional information that is necessary or  
7 appropriate to enable the department to carry out the  
8 provisions of this act.

9 (2) Each report must be executed by a general partner  
10 of the partnership or, if the partnership is in the hands of a  
11 receiver or trustee, must be executed on behalf of the  
12 partnership by the receiver or trustee, and the execution of  
13 such report shall have the same legal effect as if made under  
14 oath, without the necessity of appending the oath to the  
15 report.

16 (3) Proof to the satisfaction of the department that  
17 the annual report was deposited, on or before ~~May~~ January 1 of  
18 the report year, in the United States mail in a sealed  
19 envelope, properly addressed with postage prepaid, is  
20 considered proof of compliance with the time requirement.

21 (4) The department shall examine each annual report  
22 when received; and, if it finds that the report conforms to  
23 the requirements of this section, it shall file the report as  
24 information and keep such report as a public record. If the  
25 department finds that the report does not so conform, the  
26 department shall promptly return the report to the partnership  
27 for correction, in which event, if such report is corrected to  
28 conform with the requirements of this section and returned to  
29 the department within 30 days from the date on which the  
30 report was mailed to the partnership by the department, the  
31 penalties provided in s. 620.178 will not apply.

1           (5) The first annual report must be delivered to the  
2 Department of State between January 1 and May 1 of the year  
3 following the calendar year in which a domestic partnership  
4 was formed or a foreign partnership was authorized to conduct  
5 affairs. Subsequent annual reports must be delivered to the  
6 Department of State between January 1 and May 1 of the  
7 subsequent calendar years.

8           (6) Information in the annual report must be current  
9 as of the date the annual report is executed on behalf of the  
10 partnership.

11           (7) If an additional report is received, the  
12 department shall file the document and make the information  
13 contained in the report part of the official record.

14           (8) Any partnership that fails to file an annual  
15 report which complies with the requirements of this section  
16 may not maintain or defend any action in any court of this  
17 state until such report is filed and all fees and taxes due  
18 under this act are paid and is subject to revocation of its  
19 certificate of authority to conduct its affairs as provided in  
20 this act.

21           (9)(5) The department shall prescribe the forms on  
22 which to make the annual reports called for in this section  
23 and may substitute the uniform business report, pursuant to s.  
24 606.06, as a means of satisfying the requirement of this part  
25 shall furnish blank forms on request.

26           Section 11. Subsections (6) and (11) of section  
27 865.09, Florida Statutes, 1998 Supplement, are amended to  
28 read:

29           865.09 Fictitious name registration.--

30           (6) RENEWAL.--

31

1 (a) Renewal of a fictitious name registration shall  
2 occur on or after January ~~July~~ 1 and on or before December 31  
3 of the expiration year. Upon timely filing of a renewal  
4 statement, the effectiveness of the name registration is  
5 continued for 5 years as provided in subsection (5).

6 (b) In the last year of the registration, the division  
7 shall mail to the last reported mailing address or to the  
8 address of any registered owner of a name of each name  
9 ~~registration on its records, at least 3 months prior to its~~  
10 ~~expiration date,~~ a statement of renewal.

11 (c) If the owner of the name registration fails to  
12 file a renewal and pay the appropriate processing fees prior  
13 to December 31 of the year of expiration, the name  
14 registration expires. The division shall remove any expired  
15 or canceled name registration from its records and may purge  
16 such registrations. Failure to receive the statement of  
17 renewal required by paragraph (b) shall not constitute grounds  
18 for appeal of a registration's expiration or removal from the  
19 division's records.

20 (11) FORMS.--Registration, cancellation, and renewal  
21 shall be made on forms prescribed by the Department of State,  
22 which may include the uniform business report, pursuant to s.  
23 606.06, as a means of satisfying the requirement of this part.

24 Section 12. Section 15.16, Florida Statutes, is  
25 amended to read:

26 15.16 Reproduction of records; admissibility in  
27 evidence; electronic receipt and transmission of records;  
28 certification; acknowledgment.--

29 (1) The Department of State may cause to be made  
30 copies of any records maintained by it by miniature  
31 photographic microfilming or microphotographic processes or

1 any other photographic, mechanical, or other process  
 2 heretofore or hereafter devised, including electronic data  
 3 processing.

4 (2) Photographs, nonerasable optical images, or  
 5 microphotographs in the form of film, facsimiles, or prints of  
 6 any records made in compliance with the provisions of this  
 7 section shall have the same force and effect as the originals  
 8 thereof and shall be treated as originals for the purpose of  
 9 their admissibility in evidence. Duly certified or  
 10 authenticated reproductions of such photographs, nonerasable  
 11 optical images, or microphotographs shall be admitted in  
 12 evidence equally with the original photographs, nonerasable  
 13 optical images, or microphotographs.

14 (3) The Department of State may cause to be received  
 15 electronically any records that are required to be filed with  
 16 it pursuant to chapter 55, chapter 606, chapter 607, chapter  
 17 608, chapter 617, chapter 620, chapter 621, chapter 679,  
 18 chapter 713, or chapter 865, through facsimile or other  
 19 electronic transfers, for the purpose of filing such records.  
 20 The originals of all such electronically transmitted records  
 21 must be executed in the manner provided in paragraph (5)(b) by  
 22 law and must contain in the lower left-hand corner of the  
 23 first page the name, address, and telephone number of the  
 24 preparer of the original and, if prepared by an attorney  
 25 licensed in this state, the preparer's Florida Bar membership  
 26 number. The receipt of such electronic transfer constitutes  
 27 delivery to the department as required by law.

28 (4) Notwithstanding any other provision of law, the  
 29 department may certify or acknowledge and electronically  
 30 transmit any record maintained by it. The certification must  
 31 be evidenced by a certification code on each page transmitted

1 which must include the ~~chapter or~~ filing number of the  
2 document, date of transmission, and page number of the total  
3 number of pages transmitted, and a sequential certification  
4 number assigned by the department which will identify the  
5 transmission and be available for verification of any  
6 transmitted acknowledgment or certified document.

7 (5) Notwithstanding any other provision of ~~if not~~  
8 ~~otherwise provided by~~ law, the Department of State shall  
9 ~~determine, by rule, the appropriate format for, number of~~  
10 ~~copies of, manner of execution of, method of electronic~~  
11 ~~transmission of, and amount of and method of payment of fees~~  
12 for purposes of electronic filing of any document placed under  
13 its jurisdiction for filing or recordation:-

14 (a) The appropriate format, which must be retrievable  
15 or reproducible in typewritten or printed form and must be  
16 legible.

17 (b) The manner of execution, which may include any  
18 symbol, manual, facsimile, conformed, or electronic signature  
19 adopted by a person with the present intent to authenticate a  
20 document.

21 (c) The method of electronic transmission, and fee  
22 payment for such document.

23 (d) The amount of any fee surcharge or discount for  
24 the use of an electronic filing format.

25 (6) The Department of State may use government or  
26 private sector contractors in the promotion or provision of  
27 any electronic filing services.

28 Section 13. Subsections (4), (7), and (9) of section  
29 607.0120, Florida Statutes, are amended, and subsection (10)  
30 is added to said section, to read:

31 607.0120 Filing requirements.--

1           (4) The document must be typewritten or printed, or,  
2 if electronically transmitted, the document must be in a  
3 format that can be retrieved or reproduced in typewritten or  
4 printed form,and must be legible.

5           (7) The person executing the document shall sign it  
6 and state beneath or opposite his or her signature his or her  
7 name and the capacity in which he or she signs. The document  
8 may, but need not, contain:

9           ~~(a) the corporate seal,~~

10           ~~(b) an attestation by the secretary or an assistant~~  
11 ~~secretary,~~

12           ~~(c) an acknowledgment, or a verification, or proof.~~

13           (9) The document must be delivered to the office of  
14 the Department of State for filing. Delivery may be made by  
15 electronic transmission if and to the extent permitted by the  
16 Department of State. If it is filed in typewritten or printed  
17 form and not transmitted electronically, the Department of  
18 State may require, ~~may be accompanied by~~ one exact or  
19 conformed copy, to be delivered with the document, (except as  
20 provided in s. 607.1509), ~~and must be accompanied by the~~  
21 correct filing fee and any other tax or penalty required by  
22 this act or other law.

23           (10) When the document is delivered to the Department  
24 of State for filing, the correct filing fee, and any other  
25 tax, license fee, or penalty required to be paid by this act  
26 or other law shall be paid or provision for payment made in a  
27 manner permitted by the Department of State.

28           Section 14. Subsections (1) and (2) of section  
29 607.0123, Florida Statutes, are amended to read:

30           607.0123 Effective time and date of document.--

31

1 (1) Except as provided in subsection (2) and in s.  
2 607.0124(3), a document accepted for filing is effective:

3 (a) At the date ~~time~~ of filing ~~on the date it is~~  
4 ~~filed~~, as evidenced by such means as the Department of State  
5 may use for the purpose of recording the date of filing  
6 ~~State's date and time endorsement on the original document; or~~

7 (b) At the date ~~time~~ specified in the document as its  
8 effective ~~time on the date it is filed~~.

9 (2) A document may specify a delayed effective ~~time~~  
10 ~~and~~ date, and if it does the document shall become effective  
11 on ~~at the time and~~ date specified. If a delayed effective  
12 date, ~~but no time~~, is specified, the document shall become  
13 effective at the start ~~close~~ of business on that date. Unless  
14 otherwise permitted by this act, a delayed effective date for  
15 a document may not be later than the 90th day after the date  
16 on which it is filed.

17 Section 15. Section 607.0124, Florida Statutes, is  
18 amended to read:

19 607.0124 Correcting filed document.--

20 (1) A domestic or foreign corporation may correct a  
21 document filed by the Department of State within 10 business  
22 days of filing if the document:

23 (a) Contains an inaccuracy ~~incorrect statement; or~~

24 (b) Was defectively executed, attested, sealed,  
25 verified, or acknowledged; or

26 (c) The electronic transmission was defective.

27 (2) A document is corrected:

28 (a) By preparing articles of correction that:

29 1. Describe the document (including its filing date)  
30 or attach a copy of it to the articles;

31

1           2. Specify the inaccuracy or defect to be corrected  
2 ~~incorrect statement and the reason it is incorrect or the~~  
3 ~~manner in which the execution was defective; and~~

4           3. Correct the inaccuracy or defect ~~incorrect~~  
5 ~~statement or defective execution; and~~

6           (b) By delivering the executed articles of correction  
7 to the Department of State for filing.

8           (3) Articles of correction are effective on the  
9 effective date of the document they correct except as to  
10 persons relying on the uncorrected document and adversely  
11 affected by the correction. As to those persons, articles of  
12 correction are effective when filed.

13           Section 16. Subsection (2) of section 607.0125,  
14 Florida Statutes, is amended to read:

15           607.0125 Filing duties of Department of State.--

16           (2) The Department of State files a document by  
17 recording it as filed on ~~stamping or otherwise endorsing~~  
18 ~~"filed," together with the Secretary of State's official title~~  
19 ~~and the date and time of receipt.~~ After filing a document,  
20 the Department of State shall deliver an acknowledgment or  
21 certified copy to the domestic or foreign corporation or its  
22 representative.

23           Section 17. Section 607.0127, Florida Statutes, is  
24 amended to read:

25           607.0127 Evidentiary effect of copy of filed  
26 document.--A certificate from the Department of State  
27 delivered with attached to a copy of a document filed by the  
28 Department of State, ~~bearing the signature of the Secretary of~~  
29 ~~State (which may be in facsimile) and the seal of this state,~~  
30 is conclusive evidence that the original document is on file  
31 with the department.

1           Section 18. Subsection (7) of section 607.01401,  
2 Florida Statutes, is amended, current subsections (9)-(24) are  
3 renumbered as subsections (10)-(25), respectively, current  
4 subsections (25)-(29) are renumbered as subsections (27)-(31),  
5 respectively, and new subsections (9) and (26) are added to  
6 said section, to read:

7           607.01401 Definitions.--As used in this act, unless  
8 the context otherwise requires, the term:

9           (7) "Deliver" or "delivery" means any method of  
10 delivery used in conventional commercial practice, including  
11 delivery by hand, ~~includes~~ mail, commercial delivery, and  
12 electronic transmission.

13           (9) "Electronic transmission" or "electronically  
14 transmitted" means any process of communication not directly  
15 involving the physical transfer of paper that is suitable for  
16 the retention, retrieval, and reproduction of information by  
17 the recipient.

18           (26) "Sign" or "signature" means any symbol, manual,  
19 facsimile, conformed, or electronic signature adopted by a  
20 person with the intent to authenticate a document.

21           Section 19. Section 607.0141, Florida Statutes, is  
22 amended to read:

23           607.0141 Notice.--

24           (1) Notice under this act must be in writing, unless  
25 oral notice is:

26           (a) Expressly authorized by the articles of  
27 incorporation or the bylaws, and

28           (b) Reasonable under the circumstances.

29  
30 Notice by electronic transmission is written notice.

31

1           (2) Notice may be communicated in person; by  
2 telephone, voice mail (where oral notice is permitted), or  
3 other electronic means ~~telegraph, teletype, or other form of~~  
4 ~~electronic communication~~; or by mail or other method of  
5 delivery.

6           (3) Written notice by a domestic or foreign  
7 corporation authorized to transact business in this state to  
8 its shareholder, if in a comprehensible form, is effective:  
9 ~~when mailed~~

10           (a) Upon deposit into the United States mail, if  
11 mailed postpaid and correctly addressed to the shareholder's  
12 address shown in the corporation's current record of  
13 shareholders; or

14           (b) When electronically transmitted to the shareholder  
15 in a manner authorized by the shareholder.

16           (4) Written notice to a domestic or foreign  
17 corporation authorized to transact business in this state may  
18 be addressed:

19           (a) To its registered agent at its registered office;  
20 or

21           (b) To the corporation or its secretary at its  
22 principal office or electronic mail address as authorized and  
23 shown in its most recent annual report or, in the case of a  
24 corporation that has not yet delivered an annual report, in a  
25 domestic corporation's articles of incorporation or in a  
26 foreign corporation's application for certificate of  
27 authority.

28           (5) Except as provided in subsection (3) or elsewhere  
29 in this act, written notice, if in a comprehensible form, is  
30 effective at the earliest date of the following:

31           (a) When received;

1 (b) Five days after its deposit in the United States  
2 mail, ~~as evidenced by the postmark~~, if mailed postpaid and  
3 correctly addressed; or

4 (c) On the date shown on the return receipt, if sent  
5 by registered or certified mail, return receipt requested, and  
6 the receipt is signed by or on behalf of the addressee.

7 (6) Oral notice is effective when communicated if  
8 communicated directly to the person to be notified in a  
9 comprehensible manner.

10 (7) If this act prescribes notice requirements for  
11 particular circumstances, those requirements govern. If  
12 articles of incorporation or bylaws prescribe notice  
13 requirements not less stringent than the requirements of this  
14 section or other provisions of this act, those requirements  
15 govern.

16 Section 20. Paragraph (a) of subsection (4) of section  
17 339.12, Florida Statutes, is amended to read:

18 339.12 Aid and contributions by governmental entities  
19 for department projects; federal aid.--

20 (4)(a) Prior to accepting the contribution of road  
21 bond proceeds, time warrants, or cash for which reimbursement  
22 is sought, the department shall enter into agreements with the  
23 governing body of the governmental entity for the project or  
24 project phases in accordance with specifications agreed upon  
25 between the department and the governing body of the  
26 governmental entity. The department in no instance is to  
27 receive from such governmental entity an amount in excess of  
28 the actual cost of the project or project phase. By specific  
29 provision in the written agreement between the department and  
30 the governing body of the governmental entity, the department  
31 may agree to reimburse the governmental entity for the actual

1 amount of the bond proceeds, time warrants, or cash used on a  
 2 highway project or project phases that are not revenue  
 3 producing and are contained in the department's adopted work  
 4 program, or any public transportation project contained in the  
 5 adopted work program. Subject to appropriation of funds by the  
 6 Legislature, the department may commit state funds for  
 7 reimbursement of such projects or project phases.  
 8 Reimbursement to the governmental entity for such a project or  
 9 project phase must be made from funds appropriated by the  
 10 Legislature, and reimbursement for the cost of the project or  
 11 project phase is to begin in the year the project or project  
 12 phase is scheduled in the work program as of the date of the  
 13 agreement. Funds advanced pursuant to this section, which were  
 14 originally designated for transportation purposes and so  
 15 reimbursed to a county or municipality, shall be used by the  
 16 county or municipality for any transportation expenditure  
 17 authorized under s. 336.025(7). Also, cities and counties may  
 18 receive funds from persons, and reimburse those persons, for  
 19 the purposes of this section. Such persons may include, but  
 20 are not limited to, those persons defined in s.  
 21 607.01401(19)~~(18)~~.

22           Section 21. Paragraph (d) of subsection (1) of section  
 23 15.09, Florida Statutes, 1998 Supplement, subsection (2) of  
 24 section 15.091, Florida Statutes, are repealed.

25           Section 22. This act shall take effect upon becoming a  
 26 law.

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