

By the Committees on Governmental Operations, Financial Services and Representatives Flanagan, Crow, Wallace, Bainter, Goode, Bitner, Turnbull and Fasano

1 A bill to be entitled
2 An act relating to state financial matters;
3 amending s. 17.05, F.S.; specifying certain
4 powers of the Comptroller and the Department of
5 Banking and Finance; providing requirements;
6 specifying procedures, rights, and requirements
7 for enforcing compliance with certain
8 subpoenas; providing for assessing certain
9 costs under certain circumstances; amending s.
10 17.076, F.S.; providing for payment of
11 retirement benefits by direct deposit; amending
12 s. 20.12, F.S.; specifying purposes and duties
13 of the Comptroller; deleting divisions of the
14 department; creating the Office of Financial
15 Investigations; specifying the function of the
16 office; providing for a separate budget for the
17 office; amending s. 20.04, F.S.; providing an
18 exception to the required state government
19 structure for the Department of Banking and
20 Finance; providing for future repeal of certain
21 provisions; amending s. 110.1165, F.S.;
22 deleting a reference for purposes of specifying
23 a statute of limitations for certain purposes;
24 specifying a time limit for filing actions to
25 recover certain compensation; providing
26 application; amending s. 112.061, F.S.;
27 providing for designees of agency heads to
28 perform specified functions; relating to per
29 diem and travel expenses; amending s. 215.422,
30 F.S.; deleting certain requirements relating to
31 vendors and state purchasing agreements and

1 warrants; correcting an accounting subsystem
2 reference; amending s. 216.011, F.S.; revising
3 a definition; amending s. 216.102, F.S.;
4 revising duties of the Comptroller relating to
5 preparing and publishing certain financial
6 information; requiring the Comptroller to
7 prepare and publish a Comprehensive Annual
8 Financial Report; correcting an accounting
9 subsystem reference; amending s. 273.02, F.S.;
10 revising a definition; amending ss. 17.11,
11 215.3206, 215.3208, 216.183, 216.212, 216.237,
12 280.08, 288.778, 494.0011, 494.0017, 494.0041,
13 494.00421, 494.0061, 494.0062, 494.0072,
14 497.407, 497.435, 516.03, 520.998, 655.90, and
15 655.942, F.S., to conform; providing
16 compatibility with s. 216.351, F.S.; providing
17 an effective date.

18

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

20

21 Section 1. Section 17.05, Florida Statutes, is amended
22 to read:

23 17.05 Subpoenas; sworn statements; enforcement
24 proceedings ~~May examine under oath parties and persons privy~~
25 ~~to accounts.--~~

26 (1) The Comptroller ~~of this state~~ may demand and
27 require full answers on oath from any and every person, party
28 or privy to any account, claim, or demand against or by the
29 state, such as it may be the Comptroller's ~~his or her~~ official
30 duty to examine into, and which answers the Comptroller may
31 require to be in writing and to be sworn to before the

1 Comptroller or the department ~~himself or herself~~ or before any
2 judicial officer or clerk of any court of the state so as to
3 enable the ~~such~~ Comptroller to determine ~~decide as to~~ the
4 justice or legality of such account, claim, or demand.

5 (2) In exercising authority under this chapter, the
6 Comptroller or his or her designee may:

7 (a) Issue subpoenas, administer oaths, and examine
8 witnesses.

9 (b) Require or permit a person to file a statement in
10 writing, under oath or otherwise as the Comptroller or his or
11 her designee requires, as to all the facts and circumstances
12 concerning the matter to be audited, examined, or
13 investigated.

14 (3) Subpoenas shall be issued by the Comptroller or
15 his or her designee under seal commanding such witnesses to
16 appear before the Comptroller or the Comptroller's designee or
17 the department at a specified time and place and to bring
18 books, records, and documents as specified or to submit books,
19 records, and documents for inspection. Such subpoenas may be
20 served by an authorized representative of the Comptroller or
21 the department.

22 (4) In the event of noncompliance with a subpoena
23 issued pursuant to this section, the Comptroller or the
24 department may petition the circuit court of the county in
25 which the person subpoenaed resides or has his or her
26 principal place of business for an order requiring the
27 subpoenaed person to appear and testify and to produce books,
28 records, and documents as specified in the subpoena. The
29 court may grant legal, equitable, or injunctive relief,
30 including, but not limited to, issuance of a writ of ne exeat
31 or the restraint by injunction or appointment of a receiver of

1 any transfer, pledge, assignment, or other disposition of such
2 person's assets or any concealment, alteration, destruction,
3 or other disposition of subpoenaed books, records, or
4 documents, as the court deems appropriate, until such person
5 has fully complied with such subpoena and the Comptroller or
6 the department has completed the audit, examination, or
7 investigation. The Comptroller or the department is entitled
8 to the summary procedure provided in s. 51.011 and the court
9 shall advance the cause on its calendar. Costs incurred by
10 the Comptroller or the department to obtain an order granting,
11 in whole or in part, such petition for enforcement of a
12 subpoena shall be charged against the subpoenaed person, and
13 failure to comply with such order shall be a contempt of
14 court.

15 Section 2. Subsection (8) is added to section 17.076,
16 Florida Statutes, to read:

17 17.076 Direct deposit of funds.--

18 (8) Effective July 1, 2000, all new recipients of
19 retirement benefits from this state shall be paid by direct
20 deposit of funds. A retiree may request from the department an
21 exemption from the provisions of this subsection when such
22 retiree can demonstrate a hardship. The department may pay
23 retirement benefits by state warrant when deemed
24 administratively necessary.

25 Section 3. Section 20.12, Florida Statutes, is amended
26 to read:

27 20.12 Department of Banking and Finance.--There is
28 created a Department of Banking and Finance.

29 (1) The head of the Department of Banking and Finance
30 is the Comptroller.

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1 (2) As provided in s. 4(d), Art. IV of the State
2 Constitution, the purpose of the Comptroller is to serve as
3 the chief fiscal officer of the state, and shall settle and
4 approve accounts against the state.

5 (3) The Comptroller shall execute the programs and
6 policies as adopted by the Legislature.~~The following~~
7 ~~divisions are established within the Department of Banking and~~
8 ~~Finance:~~

9 ~~(a) Division of Accounting and Auditing.~~

10 ~~(b) Division of Administration.~~

11 ~~(c) Division of Banking.~~

12 ~~(d) Division of Finance.~~

13 ~~(e) Division of Information Systems.~~

14 ~~(f) Division of Securities and Investor Protection.~~

15 ~~(g) Division of Financial Investigations.~~

16 (4) The Office of Financial Investigations is created
17 as a subunit within the Department of Banking and Finance.
18 The office shall function as a criminal justice agency within
19 the meaning of s. 943.045(10)(d) and shall have a separate
20 budget.

21 Section 4. Subsections (3) and (4) of section 20.12,
22 Florida Statutes, as amended by this act, are repealed January
23 7, 2003.

24 Section 5. Subsection (3) of section 20.04, Florida
25 Statutes, is amended to read:

26 20.04 Structure of executive branch.--The executive
27 branch of state government is structured as follows:

28 (3) For their internal structure, all departments,
29 except for the Departments of Children and Family Services,
30 Corrections, Management Services, Revenue, Banking and

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1 Finance, and Transportation, must adhere to the following
2 standard terms:

3 (a) The principal unit of the department is the
4 "division." Each division is headed by a "director."

5 (b) The principal unit of the division is the
6 "bureau." Each bureau is headed by a "chief."

7 (c) The principal unit of the bureau is the "section."
8 Each section is headed by an "administrator."

9 (d) If further subdivision is necessary, sections may
10 be divided into "subsections," which are headed by
11 "supervisors."

12 Section 6. Subsection (1) of section 110.1165, Florida
13 Statutes, is amended, and subsection (3) is added to said
14 section, to read:

15 110.1165 Executive branch personnel errors.--

16 (1) An agency of the executive branch, including the
17 State University System, shall establish procedures for the
18 receipt, consideration, and disposition of a claim regarding
19 pay or benefits brought by an employee when that employee is
20 damaged as a result of being provided with erroneous written
21 information by the employing agency regarding his or her pay
22 or benefits, and the employee detrimentally relies upon such
23 written information. In order to qualify for the relief
24 provided by this section, the employee's reliance on the
25 representation must have been reasonable and based only upon
26 the written representations made by those persons authorized
27 by the agency head to make such representations. Furthermore,
28 the erroneous calculation and payment of an employee's salary,
29 wages, or benefits is not among the written representations
30 which will trigger relief under this section. ~~Section 95.11(4)~~
31 ~~is the statute of limitations for filing any action to recover~~

1 ~~salary, wages, overtime, benefits, or related damages by or on~~
2 ~~behalf of a state employee, or any action under this section.~~
3 ~~No distinctions between the terms "salary" and "wages" in~~
4 ~~construing the provisions of s. 95.11(4) apply to this section~~
5 ~~or the statute of limitations for filing any action under this~~
6 ~~section.~~

7 (3) The time limit to file any action to recover
8 compensation, including, but not limited to, salaries, wages,
9 overtime pay, fringe benefits, or damages or penalties
10 relating to errors in such compensation from, by, or on behalf
11 of a state officer or employee is 2 years from the date of the
12 alleged error in payment of such compensation. The time limit
13 applies in all disputes over compensation for work performed
14 by state officers or employees, and is not confined to cases
15 arising under subsections (1) and (2).

16 Section 7. Paragraphs (d) and (f) of subsection (3),
17 paragraph (b) of subsection (4), paragraphs (a), (d), and (f)
18 of subsection (7), and subsections (12) and (13) of section
19 112.061, Florida Statutes, 1998 Supplement, are amended to
20 read:

21 112.061 Per diem and travel expenses of public
22 officers, employees, and authorized persons.--

23 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

24 (d) Travel expenses of public employees for the sole
25 purpose of taking merit system or other job placement
26 examinations, written or oral, shall not be allowed under any
27 circumstances, except that upon prior written approval of the
28 agency head or his or her designee, candidates for executive
29 or professional positions may be allowed travel expenses
30 pursuant to this section.

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1 (f) A traveler who becomes sick or injured while away
2 from his or her official headquarters and is therefore unable
3 to perform the official business of the agency may continue to
4 receive subsistence as provided in subsection (6) during this
5 period of illness or injury until such time as he or she is
6 able to perform the official business of the agency or returns
7 to his or her official headquarters, whichever is earlier.
8 Such subsistence may be paid when approved by the agency head
9 or his or her designee.

10 (4) OFFICIAL HEADQUARTERS.--The official headquarters
11 of an officer or employee assigned to an office shall be the
12 city or town in which the office is located except that:

13 (b) When any state employee is stationed in any city
14 or town for a period of over 30 continuous workdays, such city
15 or town shall be deemed to be the employee's official
16 headquarters, and he or she shall not be allowed per diem or
17 subsistence, as provided in this section, after the said
18 period of 30 continuous workdays has elapsed, unless this
19 period of time is extended by the express approval of the
20 agency head or his or her designee.

21 (7) TRANSPORTATION.--

22 (a) All travel must be by a usually traveled route.
23 In case a person travels by an indirect route for his or her
24 own convenience, any extra costs shall be borne by the
25 traveler; and reimbursement for expenses shall be based only
26 on such charges as would have been incurred by a usually
27 traveled route. The agency head or his or her designee shall
28 designate the most economical method of travel for each trip,
29 keeping in mind the following conditions:

- 30 1. The nature of the business.

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1 2. The most efficient and economical means of travel
2 (considering time of the traveler, impact on the productivity
3 of the traveler, cost of transportation, and per diem or
4 subsistence required). When it is more efficient and
5 economical to either the traveler or the agency head, jet
6 service offered by any airline, whether on state contract or
7 not, may be used when the cost is within an approved threshold
8 determined by the agency head or his or her designee.

9 3. The number of persons making the trip and the
10 amount of equipment or material to be transported.

11 (d)1. The use of privately owned vehicles for official
12 travel in lieu of publicly owned vehicles or common carriers
13 may be authorized by the agency head or his or her designee.
14 Whenever travel is by privately owned vehicle, the traveler
15 shall be entitled to a mileage allowance at a fixed rate of 25
16 cents per mile for state fiscal year 1994-1995 and 29 cents
17 per mile thereafter or the common carrier fare for such
18 travel, as determined by the agency head. Reimbursement for
19 expenditures related to the operation, maintenance, and
20 ownership of a vehicle shall not be allowed when privately
21 owned vehicles are used on public business and reimbursement
22 is made pursuant to this paragraph, except as provided in
23 subsection (8).

24 2. All mileage shall be shown from point of origin to
25 point of destination and, when possible, shall be computed on
26 the basis of the current map of the Department of
27 Transportation. Vicinity mileage necessary for the conduct of
28 official business is allowable but must be shown as a separate
29 item on the expense voucher.

30 (f) The agency head or his or her designee may grant
31 monthly allowances in fixed amounts for use of privately owned

1 automobiles on official business in lieu of the mileage rate
2 provided in paragraph (d). Allowances granted pursuant to
3 this paragraph shall be reasonable, taking into account the
4 customary use of the automobile, the roads customarily
5 traveled, and whether any of the expenses incident to the
6 operation, maintenance, and ownership of the automobile are
7 paid from funds of the agency or other public funds. Such
8 allowance may be changed at any time, and shall be made on the
9 basis of a signed statement of the traveler, filed before the
10 allowance is granted or changed, and at least annually
11 thereafter. The statement shall show the places and distances
12 for an average typical month's travel on official business,
13 and the amount that would be allowed under the approved rate
14 per mile for the travel shown in the statement, if payment had
15 been made pursuant to paragraph (d).

16 (12) ADVANCEMENTS.--Notwithstanding any of the
17 foregoing restrictions and limitations, an agency head or his
18 or her designee may make, or authorize the making of, advances
19 to cover anticipated costs of travel to travelers. Such
20 advancements may include the costs of subsistence and travel
21 of any person transported in the care or custody of the
22 traveler in the performance of his or her duties.

23 (13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever
24 an agency requires an employee to incur either Class A or
25 Class B travel on emergency notice to the traveler, such
26 traveler may request the agency to pay his or her expenses for
27 meals and lodging directly to the vendor, and the agency may
28 pay the vendor the actual expenses for meals and lodging
29 during the travel period, limited to an amount not to exceed
30 that authorized pursuant to this section. In emergency
31 situations, the agency head or his or her designee may

1 authorize an increase in the amount paid for a specific meal,
2 provided that the total daily cost of meals does not exceed
3 the total amount authorized for meals each day. The agency
4 head or his or her designee may also grant prior approval for
5 a state agency to make direct payments of travel expenses in
6 other situations that result in cost savings to the state, and
7 such cost savings shall be documented in the voucher submitted
8 to the Comptroller for the direct payment of travel expenses.
9 The provisions of this subsection shall not be deemed to apply
10 to any legislator or to any employee of the Legislature.

11 Section 8. Subsections (5), (6), and (9) of section
12 215.422, Florida Statutes, are amended to read:

13 215.422 Warrants, vouchers, and invoices; processing
14 time limits; dispute resolution; agency or judicial branch
15 compliance.--

16 (5) All purchasing agreements between a state agency
17 or the judicial branch and a vendor, applicable to this
18 section, shall include a statement of the vendor's rights and
19 the state's responsibilities under this section. The vendor's
20 rights shall include being provided with the ~~name and~~
21 telephone number of the vendor ombudsman within the Department
22 of Banking and Finance, which information shall also be placed
23 on all agency or judicial branch purchase orders.

24 (6) The Department of Banking and Finance shall
25 monitor each agency's and the judicial branch's compliance
26 with the time limits and interest penalty provisions of this
27 section. The department shall provide a report to an agency
28 or to the judicial branch if the department determines that
29 the agency or the judicial branch has failed to maintain an
30 acceptable rate of compliance with the time limits and
31 interest penalty provisions of this section. The department

1 shall establish criteria for determining acceptable rates of
2 compliance. The report shall also include a list of late
3 vouchers or payments, the amount of interest owed or paid, and
4 any corrective actions recommended. The department shall
5 perform monitoring responsibilities, pursuant to this section,
6 using the Management Services and Purchasing Subsystem or the
7 Florida State Automated Management Accounting Information
8 Resource Subsystem provided in s. 215.94. Each agency and the
9 judicial branch shall be responsible for the accuracy of
10 information entered into the Management Services and
11 Purchasing Subsystem and the Florida State Automated
12 Management Accounting Information Resource Subsystem for use
13 in this monitoring.

14 (9) Each agency and the judicial branch shall include
15 in the official position description of every officer or
16 employee who is responsible for the approval or processing of
17 vendors' invoices or distribution of warrants to vendors that
18 the requirements of this section are mandatory. ~~In addition,~~
19 ~~each employee shall be required to sign a statement at least~~
20 ~~annually that he or she has been provided a copy of this~~
21 ~~section and the rules promulgated by the Comptroller. The~~
22 ~~statement shall also acknowledge that the employee understands~~
23 ~~the approval and processing time limitations and the provision~~
24 ~~for automatic interest penalty payments. Each agency and the~~
25 ~~judicial branch shall certify its compliance with this~~
26 ~~subsection to the Comptroller on or before February 1 of each~~
27 ~~year.~~

28 Section 9. Paragraph (x) of subsection (1) of section
29 216.011, Florida Statutes, 1998 Supplement, is amended to
30 read:

31 216.011 Definitions.--

1 (1) For the purpose of fiscal affairs of the state,
2 appropriations acts, legislative budgets, and approved
3 budgets, each of the following terms has the meaning
4 indicated:

5 (x) "Operating capital outlay" means equipment,
6 fixtures, and other tangible personal property of a
7 nonconsumable and nonexpendable nature, the value or cost of
8 which is ~~\$1,000~~^{\$500} or more and the normal expected life of
9 which is 1 year or more, and hardback-covered bound books that
10 are circulated to students or the general public, the value or
11 cost of which is \$25 or more, and hardback-covered bound
12 books, the value or cost of which is ~~\$250~~^{\$100} or more.

13 Section 10. Section 216.102, Florida Statutes, is
14 amended to read:

15 (Substantial rewording of section. See
16 s. 216.102, F.S., for present text.)

17 216.102 Filing of financial information; handling by
18 Comptroller; penalty for noncompliance.--

19 (1) By September 30 of each year, each agency
20 supported by any form of taxation, licenses, fees, imposts, or
21 exactions, the judicial branch, and, for financial reporting
22 purposes, each component unit of the state as determined by
23 the Comptroller shall prepare, using generally accepted
24 accounting principles, and file with the Comptroller the
25 financial and other information necessary for the preparation
26 of annual financial statements for the State of Florida as of
27 June 30. In addition, each such agency and the judicial branch
28 shall prepare financial statements showing the financial
29 position and results of agency or branch operations as of June
30 30 for internal management purposes.

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1 (a) Each state agency and the judicial branch shall
2 record the receipt and disbursement of funds from federal
3 sources in a form and format prescribed by the Comptroller.
4 The access to federal funds by the administering agencies or
5 the judicial branch may not be authorized until:

6 1. The deposit has been recorded in the Florida
7 Accounting Information Resource Subsystem using proper,
8 consistent codes that designate deposits as federal funds.

9 2. The deposit and appropriate recording required by
10 this paragraph have been verified by the Office of the
11 Treasurer.

12 (b) The Comptroller shall publish a statewide policy
13 detailing the requirements for recording receipt and
14 disbursement of federal funds into the Florida Accounting
15 Information Resource Subsystem and provide technical
16 assistance to the agencies and the judicial branch to
17 implement the policy.

18 (2) Financial information must be contained within the
19 Florida Accounting Information Resource Subsystem. Other
20 information must be submitted in the form and format
21 prescribed by the Comptroller.

22 (a) Each component unit shall file financial
23 information and other information necessary for the
24 preparation of annual financial statements with the agency or
25 branch designated by the Comptroller by the date specified by
26 the Comptroller.

27 (b) The state agency or branch designated by the
28 Comptroller to receive financial information and other
29 information from component units shall include the financial
30 information in the Florida Accounting Information Resource
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1 Subsystem and shall include the component units' other
2 information in its submission to the Comptroller.
3 (3) The Comptroller shall:
4 (a) Prepare and furnish to the Auditor General annual
5 financial statements for the state on or before December 31 of
6 each year, using generally accepted accounting principles.
7 (b) Prepare and publish a comprehensive annual
8 financial report for the state in accordance with generally
9 accepted accounting principles on or before February 28 of
10 each year.
11 (c) Furnish the Governor, the President of the Senate,
12 and the Speaker of the House of Representatives with a copy of
13 the comprehensive annual financial report prepared pursuant to
14 paragraph (b).
15 (d) Notify each agency and the judicial branch of the
16 data that is required to be recorded to enhance accountability
17 for tracking federal financial assistance.
18 (e) Provide reports, as requested, to executive or
19 judicial branch entities, the President of the Senate, the
20 Speaker of the House of Representatives, and the members of
21 the Florida Congressional Delegation, detailing the federal
22 financial assistance received and disbursed by state agencies
23 and the judicial branch.
24 (f) Consult with and elicit comments from the
25 Executive Office of the Governor on changes to the Florida
26 Accounting Information Resource Subsystem which clearly affect
27 the accounting of federal funds, so as to ensure consistency
28 of information entered into the Federal Aid Tracking System by
29 state executive and judicial branch entities. While efforts
30 shall be made to ensure the compatibility of the Florida
31 Accounting Information Resource Subsystem and the Federal Aid

1 Tracking System, any successive systems serving identical or
2 similar functions shall preserve such compatibility.

3
4 The Comptroller may furnish and publish in electronic form the
5 financial statements and the comprehensive annual financial
6 report required under paragraphs (a), (b), and (c).

7 (4) If any agency or the judicial branch fails to
8 comply with subsection (1) or subsection (2), the Comptroller
9 may refuse to honor salary claims for agency or branch fiscal
10 and executive staff until the agency or branch corrects its
11 deficiency.

12 (5) The Comptroller may withhold any funds payable to
13 a component unit that does not comply with subsection (1) or
14 subsection (2) until the component unit corrects its
15 deficiency.

16 (6) The Comptroller may adopt rules to administer this
17 section.

18 Section 11. Section 273.02, Florida Statutes, is
19 amended to read:

20 273.02 Record and inventory of certain property.--The
21 word "property" as used in this section means equipment,
22 fixtures, and other tangible personal property of a
23 nonconsumable and nonexpendable nature, the value or cost of
24 which is ~~\$1,000~~^{\$500} or more and the normal expected life of
25 which is 1 year or more, and hardback-covered bound books that
26 are circulated to students or the general public, the value or
27 cost of which is \$25 or more, and hardback-covered bound
28 books, the value or cost of which is ~~\$250~~^{\$100} or more. Each
29 item of property which it is practicable to identify by
30 marking shall be marked in the manner required by the Auditor
31 General. Each custodian shall maintain an adequate record of

1 property in his or her custody, which record shall contain
2 such information as shall be required by the Auditor General.
3 Once each year, on July 1 or as soon thereafter as is
4 practicable, and whenever there is a change of custodian, each
5 custodian shall take an inventory of property in his or her
6 custody. The inventory shall be compared with the property
7 record, and all discrepancies shall be traced and reconciled.
8 All publicly supported libraries shall be exempt from marking
9 hardback-covered bound books, as required by this section.
10 The catalog and inventory control records maintained by each
11 publicly supported library shall constitute the property
12 record of hardback-covered bound books with a value or cost of
13 \$25 or more included in each publicly supported library
14 collection and shall serve as a perpetual inventory in lieu of
15 an annual physical inventory. All books identified by these
16 records as missing shall be traced and reconciled, and the
17 library inventory shall be adjusted accordingly.

18 Section 12. Subsection (2) of section 17.11, Florida
19 Statutes, is amended to read:

20 17.11 To report disbursements made.--

21 (2) The Comptroller shall also cause to have reported
22 from the Florida state automated management Accounting
23 Information Resource Subsystem no less than quarterly the
24 disbursements which agencies made to small businesses, as
25 defined in the Florida Small and Minority Business Assistance
26 Act of 1985; to certified minority business enterprises in the
27 aggregate; and to certified minority business enterprises
28 broken down into categories of minority persons, as well as
29 gender and nationality subgroups. This information shall be
30 made available to the agencies, the Minority Business Advocacy
31 and Assistance Office, the Governor, the President of the

1 Senate, and the Speaker of the House of Representatives. Each
2 agency shall be responsible for the accuracy of information
3 entered into the Florida ~~state automated management~~ Accounting
4 Information Resource Subsystem for use in this reporting.

5 Section 13. Subsection (4) of section 215.3206,
6 Florida Statutes, is amended to read:

7 215.3206 Trust funds; termination or re-creation.--

8 (4) For the purposes of this section, the Governor,
9 Chief Justice, and agencies shall review the trust funds as
10 they are identified by a unique 6-digit code in the Florida
11 ~~State Automated Management~~ Accounting Information Resource
12 Subsystem(~~SAMAS~~) at a level composed of the 2-digit
13 organization level 1, the 1-digit state fund type 2, and the
14 first three digits of the fund identifier. The Governor, Chief
15 Justice, and agencies may also conduct their review and make
16 recommendations concerning accounts within such trust funds.

17 Section 14. Subsection (3) of section 215.3208,
18 Florida Statutes, is amended to read:

19 215.3208 Trust funds; schedule for termination;
20 legislative review.--

21 (3) For the purposes of this section, the Legislature
22 shall review the trust funds as they are identified by a
23 unique 6-digit code in the Florida ~~State Automated Management~~
24 Accounting Information Resource Subsystem(~~SAMAS~~) at a level
25 composed of the 2-digit organization level 1, the 1-digit
26 state fund type 2, and the first three digits of the fund
27 identifier. When a statutorily created trust fund that was in
28 existence on November 4, 1992, has more than one 6-digit code,
29 the Legislature may treat it as a single trust fund for the
30 purposes of this section. The Legislature may also conduct its
31 review concerning accounts within such trust funds.

1 Section 15. Section 216.183, Florida Statutes, is
2 amended to read:

3 216.183 Entities using performance-based program
4 budgets; chart of accounts.--State agencies and the judicial
5 branch for which a performance-based program budget has been
6 appropriated shall utilize the chart of accounts used by the
7 ~~Florida State Automated Management Accounting Information~~
8 Resource Subsystem in the manner described in s. 215.93(3).
9 The chart of accounts for state agencies and the judicial
10 branch for which a performance-based program budget has been
11 appropriated shall be developed and amended, if necessary, in
12 consultation with the Department of Banking and Finance and
13 the Executive Office of the Governor.

14 Section 16. Subsection (4) of section 216.212, Florida
15 Statutes, is amended to read:

16 216.212 Budgets for federal funds; restrictions on
17 expenditure of federal funds.--

18 (4) The Office of the Comptroller and the Executive
19 Office of the Governor, in consultation with the Office of the
20 Treasurer and the Office of the Auditor General, shall develop
21 and maintain a means to ensure the compatibility of the
22 ~~Florida State Automated Management Accounting Information~~
23 Resource Subsystem and the Federal Aid Tracking System. Any
24 successive systems serving identical or similar functions
25 shall preserve such compatibility.

26 Section 17. Section 216.237, Florida Statutes, is
27 amended to read:

28 216.237 Availability of any remaining funds; agency
29 maintenance of accounting records.--Any remaining funds from
30 the General Revenue Fund and trust fund spending authority not
31 awarded to agencies pursuant to section 2 of this bill shall

1 be available to agencies for innovative projects which
2 generate a cost savings, increase revenue, or improve service
3 delivery. Innovative projects which generate a cost savings
4 shall receive greater consideration when awarding innovation
5 investment funds. Any trust fund authority granted under this
6 program shall be utilized in a manner consistent with the
7 statutory authority for the use of said trust fund. Any
8 savings realized as a result of implementing the innovative
9 project shall be used by the agency to establish an internal
10 innovations fund. State agencies which are awarded funds for
11 innovative projects shall utilize the chart of accounts used
12 by the Florida State Automated Management Accounting
13 Information Resource Subsystem ~~System~~ in the manner described
14 in s. 215.93(3). Such chart of accounts shall be developed and
15 amended in consultation with the Department of Banking and
16 Finance and the Executive Office of the Governor to separate
17 and account for the savings that result from the
18 implementation of the innovative projects and to keep track of
19 how the innovative funds are reinvested by the state agency to
20 fund additional innovative projects, which may include, but
21 not be limited to, expenditures for training and information
22 technology resources. Guidelines for the establishment of such
23 internal innovations fund shall be provided by the Department
24 of Management Services. Any agency awarded funds under this
25 section shall maintain detailed accounting records showing all
26 expenses, loan transfers, savings, or other financial actions
27 concerning the project. Any savings realized as a result of
28 implementing the innovative project shall be quantified,
29 validated, and verified by the agency. A final report of the
30 results of the implementation of each innovative project shall
31 be submitted by each participating agency to the Governor's

1 Office of Planning and Budgeting and the legislative
2 appropriations committees by June 30 of the fiscal year in
3 which the funds were received and ensuing fiscal years for the
4 life of the project.

5 Section 18. Subsection (1) of section 280.08, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 280.08 Procedure for payment of losses.--When the
8 Treasurer determines that a default or insolvency has
9 occurred, he or she shall provide notice as required in s.
10 280.085(1) and implement the following procedures:

11 (1) The Treasurer, in cooperation with the ~~Director of~~
12 ~~the Division of Banking of the~~ Department of Banking and
13 Finance or the receiver of the qualified public depository in
14 default, shall ascertain the amount of funds of each public
15 depositor on deposit at such depository and the amount of
16 deposit insurance applicable to such deposits.

17 Section 19. Section 288.778, Florida Statutes, is
18 amended to read:

19 288.778 Department of Banking and Finance.--The
20 ~~Division of Banking of the~~ Department of Banking and Finance
21 shall review the corporation's activities once every 24 months
22 to determine compliance with this part and other related laws
23 and rules and to evaluate the corporation's operations. The
24 department division shall prepare a report based on its review
25 and evaluation with recommendation for any corrective action.
26 The president shall submit to the department division regular
27 reports on the corporation's activities. The content and
28 frequency of such reports shall be determined by the
29 department division. The department division shall charge a
30 fee for conducting the review and evaluation and preparing the
31 related report, which fee shall not be in excess of the

1 examination fee paid by financial institutions chartered or
2 licensed under the financial institutions code of this state.

3 Section 20. Subsection (3) of section 494.0011,
4 Florida Statutes, 1998 Supplement, is amended to read:

5 494.0011 Powers and duties of the department.--

6 (3) All fees, charges, and fines collected by the
7 department pursuant to ss. 494.001-494.0077 shall be deposited
8 in the State Treasury to the credit of the Regulatory Trust
9 Fund under the ~~Division of Finance~~ of the department.

10 Section 21. Subsection (3) of section 494.0017,
11 Florida Statutes, is amended to read:

12 494.0017 Mortgage Brokerage Guaranty Fund.--

13 (3) The Mortgage Brokerage Guaranty Fund shall be
14 disbursed as provided in former s. 494.044, upon approval by
15 the department ~~Division of Finance~~, to any party to a mortgage
16 financing transaction who:

17 (a) Is adjudged by a court of competent jurisdiction
18 of this state to have suffered monetary damages as a result of
19 any violation of chapter 494 in effect prior to October 1,
20 1991, committed by a licensee or registrant;

21 (b) Has filed a claim for recovery prior to January 1,
22 1992; and

23 (c) Has suffered monetary damages as a result of an
24 act occurring prior to October 1, 1991.

25 Section 22. Paragraph (m) of subsection (2) of section
26 494.0041, Florida Statutes, is amended to read:

27 494.0041 Administrative penalties and fines; license
28 violations.--

29 (2) Each of the following acts constitutes a ground
30 for which the disciplinary actions specified in subsection (1)
31 may be taken:

1 (m) Failure to maintain, preserve, and keep available
2 for examination all books, accounts, or other documents
3 required by ss. 494.001-494.0077 and the rules of the
4 department ~~Division of Finance~~.

5 Section 23. Paragraph (a) of subsection (7) of section
6 494.00421, Florida Statutes, is amended to read:

7 494.00421 Fees earned upon obtaining a bona fide
8 commitment.--Notwithstanding the provisions of ss.
9 494.001-494.0077, any mortgage brokerage business which
10 contracts to receive from a borrower a mortgage brokerage fee
11 upon obtaining a bona fide commitment shall accurately
12 disclose in the mortgage brokerage agreement:

13 (7)(a) The following statement, in no less than
14 12-point boldface type immediately above the signature lines
15 for the borrowers:

16
17 "You are entering into a contract with a mortgage brokerage
18 business to obtain a bona fide mortgage loan commitment under
19 the same terms and conditions as stated hereinabove or in a
20 separate executed good faith estimate form. If the mortgage
21 brokerage business obtains a bona fide commitment under the
22 same terms and conditions, you will be obligated to pay the
23 mortgage brokerage business fees, including, but not limited
24 to, a mortgage brokerage fee, even if you choose not to
25 complete the loan transaction. If the provisions of s.
26 494.00421, Florida Statutes, are not met, the mortgage
27 brokerage fee can only be earned upon the funding of the
28 mortgage loan. The borrower may contact the Department of
29 Banking and Finance, ~~Division of Finance~~, Tallahassee,
30 Florida, regarding any complaints that the borrower may have
31 against the mortgage broker or the mortgage brokerage

1 business. The telephone number of the department as set by
2 rule of the department is: ...[insert telephone number]...."

3 Section 24. Subsection (3) of section 494.0061,
4 Florida Statutes, is amended to read:

5 494.0061 Mortgage lender's license requirements.--

6 (3) Each initial application for a mortgage lender's
7 license must be in written form prescribed by the department.
8 The department ~~division~~ may require each applicant to provide
9 any information reasonably necessary to make a determination
10 of the applicant's eligibility for licensure. The department
11 may require that each officer, director, and ultimate
12 equitable owner of a 10-percent or greater interest in the
13 applicant submit a complete set of fingerprints taken by an
14 authorized law enforcement officer.

15 Section 25. Subsection (3) of section 494.0062,
16 Florida Statutes, is amended to read:

17 494.0062 Correspondent mortgage lender's license
18 requirements.--

19 (3) Each initial application for a correspondent
20 mortgage lender's license must be in written form prescribed
21 by the department. The department ~~division~~ may require each
22 applicant to provide any information reasonably necessary to
23 make a determination of the applicant's eligibility for
24 licensure. The department may require that each officer,
25 director, and ultimate equitable owner of a 10-percent or
26 greater interest submit a complete set of fingerprints taken
27 by an authorized law enforcement officer.

28 Section 26. Paragraph (m) of subsection (2) of section
29 494.0072, Florida Statutes, is amended to read:

30 494.0072 Administrative penalties and fines; license
31 violations.--

1 (2) Each of the following acts constitutes a ground
2 for which the disciplinary actions specified in subsection (1)
3 may be taken:

4 (m) Failure to maintain, preserve, and keep available
5 for examination all books, accounts, or other documents
6 required by ss. 494.001-494.0077 or the rules of the
7 department ~~Division of Finance~~.

8 Section 27. Subsections (4), (9), and (12) of section
9 497.407, Florida Statutes, are amended to read:

10 497.407 Certificate of authority; annual statement;
11 renewal; transfer.--

12 (4) The fee payable to the department for issuance of
13 the original certificate of authority and each annual renewal
14 thereof shall be set by the board at an amount not to exceed
15 \$500 and shall accompany each application for an original
16 certificate and, thereafter, each annual statement. Any
17 person or entity that is part of a common business enterprise
18 that has a certificate of authority issued pursuant to this
19 section and elects to operate under a name other than that of
20 the common business enterprise shall submit an application on
21 a form adopted by the board to become a branch registrant.
22 Upon the approval of the board that such entity qualifies to
23 sell preneed contracts under this chapter except for the
24 requirements of subparagraph (2)(c)1. and if the
25 certificateholder meets the requirements of such subparagraph,
26 a branch registration shall be issued. Each branch registrant
27 may operate under the certificate of authority of the common
28 business enterprise upon the payment of a fee established by
29 the board not to exceed \$100 accompanying the application on
30 April 1 annually. The fee shall be payable to the Regulatory
31 Trust Fund under the department ~~Division of Finance~~.

1 (9) In addition to any other penalty that may be
2 provided for under this chapter, the board may levy a fine not
3 to exceed \$50 a day for each day the certificateholder fails
4 to file its annual statement, and the board may levy a fine
5 not to exceed \$50 a day for each day the certificateholder
6 fails to file the statement of activities of the trust. Upon
7 notice to the certificateholder by the board that the
8 certificateholder has failed to file the annual statement or
9 the statement of activities of the trust, the
10 certificateholder's authority to sell preneed contracts shall
11 cease while such default continues. The board shall deposit
12 all sums collected under this section to the credit of the
13 Regulatory Trust Fund under the department ~~Division of~~
14 ~~Finance~~.

15 (12) Each certificateholder shall pay to the
16 Regulatory Trust Fund under the department ~~Division of Finance~~
17 an amount established by the board not to exceed \$5 for each
18 preneed contract entered into. This amount must be paid within
19 60 days after the end of each quarter. These funds must be
20 used to defray the cost of the board and the department in
21 administering the provisions of this chapter.

22 Section 28. Subsection (3) of section 497.435, Florida
23 Statutes, is amended to read:

24 497.435 Administrative fine in lieu of revocation or
25 suspension of certificate of authority.--

26 (3) The fine shall be deposited into the Regulatory
27 Trust Fund under the department ~~Division of Finance~~.

28 Section 29. Subsection (2) of section 516.03, Florida
29 Statutes, is amended to read:

30 516.03 Application for license; fees; etc.--

31

1 (2) FEES.--Fees herein provided for shall be collected
2 by the department and shall be turned into the State Treasury
3 to the credit of the regulatory trust fund under the ~~Division~~
4 ~~of Finance of the~~ department. The department shall have full
5 power to employ such examiners or clerks to assist the
6 department as may from time to time be deemed necessary and
7 fix their compensation.

8 Section 30. Section 520.998, Florida Statutes, is
9 amended to read:

10 520.998 Regulatory Trust Fund.--All fees, charges, and
11 fines collected by the department pursuant to this chapter
12 shall be deposited in the State Treasury to the credit of the
13 Regulatory Trust Fund under the ~~Division of Finance of the~~
14 department.

15 Section 31. Paragraph (a) of subsection (1) of section
16 655.90, Florida Statutes, is amended to read:

17 655.90 Closing during emergencies and other special
18 days.--

19 (1) DEFINITIONS.--As used in this section, the term:

20 (a) "Commissioner" means the officer of this state
21 designated by law as the head of the Department of Banking and
22 Finance and any other person lawfully exercising such powers,
23 whether as a deputy to such officer; as a division director,
24 bureau chief, or financial administrator of or within such
25 department; or otherwise. ~~In the absence of any person~~
26 ~~lawfully exercising the powers of the head of the Department~~
27 ~~of Banking and Finance, the director of the Division of~~
28 ~~Banking or any other person lawfully exercising the powers of~~
29 ~~the director of the division, whether as another division~~
30 ~~director, as a bureau chief or financial administrator, or~~
31 otherwise.

1 Section 32. Subsection (1) of section 655.942, Florida
2 Statutes, is amended to read:
3 655.942 Standards of conduct; institutions.--
4 (1) A financial institution which is licensed or
5 authorized to do business pursuant to the financial
6 institutions codes, or its officers, directors, or employees
7 may not make or grant any loan or gratuity to any employee of
8 the department ~~Division of Banking~~ who has authority to
9 examine or otherwise supervise such financial institution.
10 Section 33. The amendments made by this act to
11 sections 216.011, 216.102, 216.183, 216.212, and 216.237,
12 Florida Statutes, shall take effect notwithstanding the
13 provisions of section 216.351, Florida Statutes.
14 Section 34. This act shall take effect October 1,
15 1999.
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