

By Senator Geller

29-356-00

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 creating the Department of Banking and
4 Insurance; repealing ss. 20.12, 20.13, F.S.;
5 abolishing the Department of Banking and
6 Finance and the Department of Insurance;
7 amending ss. 17.011, 17.02, 17.03, 17.031,
8 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.06,
9 17.075, 17.076, 17.08, 17.09, 17.10, 17.11,
10 17.12, 17.13, 17.14, 17.16, 17.17, 17.20,
11 17.21, 17.22, 17.25, 17.26, 17.27, 17.28,
12 17.29, 17.30, 17.32, 17.325, 17.41, 17.43,
13 F.S.; providing conforming changes;
14 transferring, renumbering, and amending ss.
15 18.01, 18.02, 18.021, 18.06, 18.07, 18.091,
16 18.10, 18.101, 18.103, 18.104, 18.125, 18.15,
17 18.17, 18.20, 18.23, 18.24, F.S.; providing
18 conforming changes; transferring the duties,
19 powers, functions, records, personnel,
20 property, unexpended balances of
21 appropriations, and other funds of the
22 Department of Insurance and the Department of
23 Banking and Finance to the Department of
24 Banking and Insurance; transferring the duties,
25 powers, functions, records, personnel,
26 property, unexpended appropriations, and other
27 funds of the Division of State Fire Marshal of
28 the Department of Insurance to the Department
29 of Agriculture and Consumer Services; repealing
30 s. 18.03, F.S., relating to residence and
31 office of the Treasurer; repealing s. 18.05,

1 F.S., relating to annual report to Governor;
2 repealing s. 18.08, F.S., relating to warrants
3 turned over to the Comptroller; repealing s.
4 18.09, F.S., relating to annual report to the
5 Legislature; repealing s. 18.22, F.S., relating
6 to rulemaking authority of the Department of
7 Banking and Finance; providing an effective
8 date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Department of Banking and Insurance.--There
13 is created a Department of Banking and Insurance.

14 (1) The head of the Department of Banking and
15 Insurance is the Chief Financial Officer.

16 (2) The following divisions of the Department of
17 Banking and Insurance are established:

18 (a) Division of Insurer Services.

19 (b) Division of Insurance Consumer Services.

20 (c) Division of Agents and Agencies Services.

21 (d) Division of Rehabilitation and Liquidation.

22 (e) Division of Risk Management.

23 (f) Division of Financial Investigation.

24 (g) Division of Insurance Fraud.

25 (h) Division of Administration.

26 (i) Division of Treasury.

27 (j) Division of Legal Services.

28 (3)(a) The department shall have an assistant chief
29 financial officer.

30 (b) The Division of Insurer Services shall have at
31 least two deputy directors. All other divisions shall have a

1 director and may have an assistant director. The department
2 may change the name of any division, by rule, if the name
3 indicates the responsibilities of the division.

4 (4) The Division of Insurance Fraud shall enforce the
5 provisions of section 626.989, Florida Statutes. The division
6 shall establish a Bureau of Workers' Compensation Insurance
7 Fraud for the sole purpose of enforcing the provisions of
8 chapter 440, Florida Statutes, which, if violated, would
9 result in the commission of fraudulent insurance acts.

10 (5) A Bureau of Financial and Support Services is
11 created within the Division of Administration.

12 (6)(a) The Division of Treasury, in addition to other
13 matters that may be assigned to or located within the
14 division, shall administer the Government Employees Deferred
15 Compensation Plan established under section 112.215, Florida
16 Statutes, for state employees.

17 (b) To carry out the purposes of paragraph (a), a
18 Section of Government Employee Deferred Compensation is
19 created within the Division of Treasury.

20 (7) There is created as a subunit within the
21 department the Office of Financial Investigation. The office
22 shall:

23 (a) Function as a criminal justice agency within the
24 meaning of section 943.045(10)(d), Florida Statutes; and

25 (b) Have a separate budget.

26 Section 2. Section 17.011, Florida Statutes, is
27 amended to read:

28 17.011 Chief Financial Officer ~~Assistant~~
29 ~~comptroller.~~--The Chief Financial Officer ~~Comptroller~~ of the
30 state may appoint an assistant Chief Financial Officer
31

1 ~~comptroller~~ to hold office at ~~during~~ the pleasure of the Chief
2 Financial Officer ~~Comptroller~~.

3 Section 3. Section 17.02, Florida Statutes, is amended
4 to read:

5 17.02 Place of residence and office.--The Chief
6 Financial Officer ~~Comptroller~~ shall reside at the seat of
7 government of this state, and shall hold office in a room in
8 the Capitol.

9 Section 4. Section 17.03, Florida Statutes, is amended
10 to read:

11 17.03 Duty to audit claims against the state.--

12 (1) The Chief Financial Officer ~~Comptroller~~ of this
13 state, using generally accepted auditing procedures for
14 testing or sampling, shall examine, audit, and settle all
15 accounts, claims, and demands, whatsoever, against the state,
16 arising under any law or resolution of the Legislature, and
17 ~~shall issue a warrant to the Treasurer directing the Treasurer~~
18 ~~to pay out of the State Treasury such amount as is shall be~~
19 allowed by law ~~the Comptroller thereon~~.

20 (2) The Chief Financial Officer ~~Comptroller~~ may
21 establish dollar thresholds applicable to each invoice amount
22 and other criteria for testing or sampling invoices on a
23 preaudit and postaudit basis. The Chief Financial Officer
24 ~~Comptroller~~ may revise such thresholds and other criteria for
25 an agency or the unit of any agency as he or she deems
26 appropriate.

27 (3) The Chief Financial Officer ~~Comptroller~~ may adopt
28 and disseminate to the agencies procedural and documentation
29 standards for payment requests and may provide training and
30 technical assistance to the agencies for these standards.

31

1 (4) The Chief Financial Officer ~~Comptroller~~ shall have
2 the legal duty of delivering all state warrants and shall be
3 charged with the official responsibility of the protection and
4 security of the state warrants while in his or her custody.
5 The Chief Financial Officer ~~Comptroller~~ may delegate this
6 authority to other state agencies or officers.

7 Section 5. Section 17.031, Florida Statutes, is
8 amended to read:

9 17.031 Security of Chief Financial Officer's
10 ~~Comptroller's~~ office.--The Chief Financial Officer ~~Comptroller~~
11 is authorized to engage the full-time services of two law
12 enforcement officers, with power of arrest, to prevent all
13 acts of a criminal nature directed at the property in the
14 custody or control of the Chief Financial Officer ~~Comptroller~~.
15 While so assigned, these ~~said~~ officers shall be under the
16 direction and supervision of the Chief Financial Officer
17 ~~Comptroller~~, and their salaries and expenses shall be paid
18 from the general fund of the office of Chief Financial Officer
19 ~~Comptroller~~.

20 Section 6. Section 17.04, Florida Statutes, is amended
21 to read:

22 17.04 To audit and adjust accounts of officers and
23 those indebted to the state.--The Department of Banking and
24 Insurance ~~Finance of this state~~, using generally accepted
25 auditing procedures for testing or sampling, shall examine,
26 audit, adjust, and settle the accounts of all the officers of
27 this state, and any other person in anywise entrusted with, or
28 who may have received any property, funds, or moneys of this
29 state, or who may be in anywise indebted or accountable to
30 this state for any property, funds, or moneys, and require
31 such officer or persons to render full accounts thereof, and

1 to yield up such property or funds according to law, or pay
2 such moneys into the treasury of this state, or to such
3 officer or agent of the state as are ~~may be~~ appointed to
4 receive the same, and on failure so to do, to cause to be
5 instituted and prosecuted proceedings, criminal or civil, at
6 law or in equity, against such persons, according to law. The
7 Division of Financial Investigations may conduct
8 investigations within or outside ~~of~~ this state as it deems
9 necessary to aid in the enforcement of this section. If
10 during an investigation the division has reason to believe
11 that any criminal statute of this state has or may have been
12 violated, the division shall refer any records tending to show
13 such violation to state or federal law enforcement or
14 prosecutorial agencies and shall provide investigative
15 assistance to those agencies as required.

16 Section 7. Section 17.0401, Florida Statutes, is
17 amended to read:

18 17.0401 Confidentiality of information relating to
19 financial investigations.--Except as otherwise provided by
20 this section, information relative to an investigation
21 conducted by the Division of Financial Investigations pursuant
22 to s. 17.04, including any consumer complaint, is confidential
23 and exempt from the provisions of s. 119.07(1) and s. 24(a),
24 Art. I of the State Constitution until the investigation is
25 completed or ceases to be active. Any information relating to
26 an investigation conducted by the division pursuant to s.
27 17.04 shall remain confidential and exempt from the provisions
28 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
29 after the division's investigation is completed or ceases to
30 be active if the division submits the information to any law
31 enforcement or prosecutorial agency for further investigation.

1 Such information shall remain confidential and exempt from the
2 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
3 Constitution until that agency's investigation is completed or
4 ceases to be active. For purposes of this section, an
5 investigation shall be considered "active" so long as the
6 division or any law enforcement or prosecutorial agency is
7 proceeding with reasonable dispatch and has a reasonable good
8 faith belief that the investigation may lead to the filing of
9 an administrative, civil, or criminal proceeding. This
10 section shall not be construed to prohibit disclosure of
11 information that ~~which~~ is required by law to be filed with the
12 Department of Banking and Insurance ~~Finance~~ and which, but for
13 the investigation, would otherwise be subject to public
14 disclosure. Nothing in this section shall be construed to
15 prohibit the division from providing information to any law
16 enforcement or prosecutorial agency. Any law enforcement or
17 prosecutorial agency receiving confidential information from
18 the division in connection with its official duties shall
19 maintain the confidentiality of the information as provided
20 for in this section.

21 Section 8. Section 17.041, Florida Statutes, is
22 amended to read:

23 17.041 County and district accounts and claims.--
24 (1) It shall be the duty of the Department of Banking
25 and Insurance ~~Finance of this state~~ to adjust and settle, or
26 cause to be adjusted and settled, all accounts and claims
27 heretofore or hereafter reported to it by the Auditor General,
28 the appropriate county or district official, or any person
29 against all county and district officers and employees, and
30 against all other persons entrusted with, or who may have
31 received, any property, funds, or moneys of a county or

1 district or who may be in anywise indebted to or accountable
2 to a county or district for any property, funds, moneys, or
3 other thing of value, and to require such officer, employee,
4 or person to render full accounts thereof and to yield up such
5 property, funds, moneys, or other thing of value according to
6 law to the officer or authority entitled by law to receive the
7 same.

8 (2) On the failure of such officer, employee, or
9 person to adjust and settle such account, or to yield up such
10 property, funds, moneys, or other thing of value, the
11 department shall direct the attorney for the board of county
12 commissioners, the district school board, or the district, as
13 the case may be, entitled to such account, property, funds,
14 moneys, or other thing of value to represent such county or
15 district in enforcing settlement, payment, or delivery of such
16 account, property, funds, moneys, or other thing of value. The
17 department may enforce such settlement, payment, or delivery
18 pursuant to s. 17.20.

19 (3) If ~~Should~~ the attorney for the county or district
20 is aforesaid ~~be~~ disqualified or unable to act, and no other
21 attorney is ~~be~~ furnished by the county or district, or if
22 ~~should~~ the department otherwise considers ~~deem~~ it advisable,
23 such account or claim may be certified to the Department of
24 Legal Affairs by the department, to be prosecuted by the
25 Department of Legal Affairs at county or district expense, as
26 the case may be, including necessary per diem and travel
27 expense in accordance with s. 112.061, ~~as now or hereafter~~
28 ~~amended~~. Such expenses, when approved by the department,
29 shall be paid forthwith by such county or district.

30 (4) If ~~Should~~ it appears ~~appear~~ to the department that
31 any criminal statute of this state has or may have been

1 violated by such defaulting officer, employee, or person, such
2 information, evidence, documents, and other things tending to
3 show such a violation, whether in the hands of the Chief
4 Financial Officer ~~Comptroller~~, the Auditor General, the
5 county, or the district, shall be forthwith turned over to the
6 proper state attorney for inspection, study, and such action
7 as is ~~may be~~ deemed proper, or the same may be brought to the
8 attention of the proper grand jury.

9 (5) No such account or claim, after it has been
10 certified to the department, may be settled for less than the
11 amount due according to law without the written consent of the
12 department, and any attempt to make settlement in violation of
13 this subsection is ~~shall be deemed~~ null and void. A county or
14 district board seeking ~~desiring~~ to make such a settlement
15 shall incorporate the proposed settlement into a resolution,
16 stating that the proposed settlement is contingent upon the
17 Chief Financial Officer's ~~Comptroller's~~ approval, and shall
18 submit two copies of the resolution to the department. The
19 department shall return one copy with the Chief Financial
20 Officer's ~~Comptroller's~~ action endorsed thereon.

21 (6) No settlement of account of any such officer,
22 employee, or person, with the county or district, or any of
23 their officers or agents, made in an amount or manner other
24 than as authorized by law or for other than a lawful county or
25 district purpose, is ~~shall be~~ binding upon such county or
26 district unless and until approved by the department, or
27 unless more than 4 years ~~shall~~ have elapsed from the date of
28 such settlement.

29 (7) Nothing in this section shall supersede the
30 continuing duty of the proper county and district officers to
31 require any officer, employee, or person to render full

1 accounts of and to yield up according to law to the officer or
2 authority entitled by law to receive the same, any property,
3 funds, moneys, or other thing of value as to which such
4 officer, employee, or person is in anywise indebted to or
5 accountable to such county or district. The provisions of
6 this section provide for collections and recoveries that ~~which~~
7 the proper county or district officers have failed to make,
8 and for correction of settlements made in an amount or manner
9 other than as authorized by law.

10 Section 9. Section 17.0415, Florida Statutes, is
11 amended to read:

12 17.0415 Transfer and assignment of claims.--In order
13 to facilitate their collection from third parties, the Chief
14 Financial Officer ~~Comptroller~~ may authorize the assignment of
15 claims among the state, its agencies, and its subdivisions,
16 whether arising from criminal, civil, or other judgments in
17 state or federal court. The state, its agencies, and its
18 subdivisions, may assign claims under such terms as are
19 mutually acceptable to the Chief Financial Officer ~~Comptroller~~
20 and the assignee and assignor. The assigned claim may be
21 enforced as a setoff to any claim against the state, its
22 agencies, or its subdivisions, by garnishment or in the same
23 manner as a judgment in a civil action. Claims against the
24 state, its agencies, and its subdivisions resulting from the
25 condemnation of property protected by the provisions of s. 4,
26 Art. X of the State Constitution are not subject to setoff
27 pursuant to this section.

28 Section 10. Section 17.05, Florida Statutes, is
29 amended to read:

30 17.05 Subpoenas; sworn statements; enforcement
31 proceedings.--

1 (1) The Chief Financial Officer ~~Comptroller~~ may demand
2 and require full answers on oath from any ~~and every~~ person
3 that is, party or privy to any account, claim, or demand
4 against or by the state ~~which, such as it is may be~~ the Chief
5 Financial Officer's ~~Comptroller's~~ official duty to examine
6 into, and the Chief Financial Officer ~~which answers the~~
7 ~~Comptroller~~ may require these answers to be in writing and to
8 be sworn to before the Chief Financial Officer ~~Comptroller~~ or
9 the department or before any judicial officer or clerk of any
10 court of the state so as to enable the Chief Financial Officer
11 ~~Comptroller~~ to determine the justice or legality of such
12 account, claim, or demand.

13 (2) In exercising authority under this chapter, the
14 Chief Financial Officer ~~Comptroller~~ or his or her designee
15 may:

16 (a) Issue subpoenas, administer oaths, and examine
17 witnesses.

18 (b) Require or permit a person to file a statement in
19 writing, under oath or otherwise as the Chief Financial
20 Officer ~~Comptroller~~ or his or her designee requires, as to all
21 the facts and circumstances concerning the matter to be
22 audited, examined, or investigated.

23 (3) Subpoenas shall be issued by the Chief Financial
24 Officer ~~Comptroller~~ or his or her designee under seal
25 commanding such witnesses to appear before the Chief Financial
26 Officer ~~Comptroller~~ or the Chief Financial Officer's
27 ~~Comptroller's~~ representative or the department at a specified
28 time and place and to bring books, records, and documents as
29 specified or to submit books, records, and documents for
30 inspection. Such subpoenas may be served by an authorized
31

1 representative of the Chief Financial Officer ~~Comptroller~~ or
2 the department.

3 (4) In the event of noncompliance with a subpoena
4 issued pursuant to this section, the Chief Financial Officer
5 ~~Comptroller~~ or the department may petition the circuit court
6 of the county in which the person subpoenaed resides or has
7 his or her principal place of business for an order requiring
8 the subpoenaed person to appear and testify and to produce
9 books, records, and documents as specified in the subpoena.
10 The court may grant legal, equitable, or injunctive relief,
11 including, but not limited to, issuance of a writ of ne exeat
12 or the restraint by injunction or appointment of a receiver of
13 any transfer, pledge, assignment, or other disposition of such
14 person's assets or any concealment, alteration, destruction,
15 or other disposition of subpoenaed books, records, or
16 documents, as the court deems appropriate, until such person
17 has fully complied with such subpoena and the Chief Financial
18 Officer ~~Comptroller~~ or the department has completed the audit,
19 examination, or investigation. The Chief Financial Officer
20 ~~Comptroller~~ or the department is entitled to the summary
21 procedure provided in s. 51.011, and the court shall advance
22 the cause on its calendar. Costs incurred by the Chief
23 Financial Officer ~~Comptroller~~ or the department to obtain an
24 order granting, in whole or in part, such petition for
25 enforcement of a subpoena shall be charged against the
26 subpoenaed person, and failure to comply with such order shall
27 be a contempt of court.

28 Section 11. Section 17.06, Florida Statutes, is
29 amended to read:

30 17.06 Disallowed items and accounts.--The Chief
31 Financial Officer ~~Comptroller~~ shall erase from any original

1 account all items disallowed by him or her; and when the Chief
2 Financial Officer ~~Comptroller~~ shall reject the whole of any
3 account he or she shall write across the face of it the word
4 "disallowed," and the date, and file the same in the Chief
5 Financial Officer's ~~Comptroller's~~ office or deliver it to the
6 claimant.

7 Section 12. Section 17.075, Florida Statutes, is
8 amended to read:

9 17.075 Form of state warrants and other payment
10 orders; rules.--

11 (1) The Department of Banking and Insurance ~~Finance~~ is
12 authorized to establish the form or forms of state warrants
13 that ~~which~~ are to be drawn by it and of other orders for
14 payment or disbursement of moneys out of the State Treasury
15 and to change the form thereof from time to time as the
16 department may consider necessary or appropriate. Such orders
17 for payment may be in any form, but, regardless of form, each
18 order shall be subject to the accounting and recordkeeping
19 requirements applicable to state warrants.

20 (2) The department shall adopt rules establishing
21 accounting and recordkeeping procedures for all payments made
22 by electronic transfer of funds or by any other means. Such
23 procedures shall be consistent with the statutory requirements
24 applicable to payments by state warrant.

25 Section 13. Section 17.076, Florida Statutes, is
26 amended to read:

27 17.076 Direct deposit of funds.--

28 (1) As used in this section:

29 (a) "Beneficiary" means any person who is drawing
30 salary or retirement benefits from the state or who is the
31 recipient of any lawful payment from state funds.

1 (b) "Department" means the Department of Banking and
2 Insurance Finance.

3 (2) The department shall establish a program for the
4 direct deposit of funds to the account of the beneficiary of
5 such a payment or disbursement in any financial institution
6 equipped for electronic fund transfers, which institution is
7 designated in writing by such beneficiary and has lawful
8 authority to accept such deposits. Direct deposit of funds
9 shall be by any electronic or other transfer medium approved
10 by the department for such purpose.

11 (3) The department may contract with an authorized
12 financial institution for the services necessary to operate
13 the program. In order to implement the provisions of this
14 section, the Chief Financial Officer ~~Comptroller~~ is authorized
15 to deposit with that financial institution the funds payable
16 to the beneficiaries, in lump sum, by Chief Financial
17 Officer's ~~Comptroller's~~ warrant to make the authorized direct
18 deposits.

19 (4) The written authorization of a beneficiary shall
20 be filed with the department or its designee. Such
21 authorization shall remain in effect until withdrawn in
22 writing by the beneficiary or dishonored by the designated
23 financial institution.

24 (5) All direct deposit records made prior to October
25 1, 1986, are exempt from the provisions of s. 119.07(1). With
26 respect to direct deposit records made on or after October 1,
27 1986, the names of the authorized financial institutions and
28 the account numbers of the beneficiaries are confidential and
29 exempt from the provisions of s. 119.07(1).

30
31

1 (6) The department shall implement local option direct
2 deposit of funds for local governmental entities ~~by January 1,~~
3 ~~1996.~~

4 (7) To cover the department's actual costs for
5 processing the direct deposit of funds other than salary or
6 retirement benefits, the department may charge the beneficiary
7 of the direct deposit a reasonable fee. The department may
8 collect the fee by direct receipt from the beneficiary or by
9 subtracting the amount of the fee from the funds due the
10 beneficiary. Such fees collected by the department shall be
11 deposited into the Department of Banking and Finance
12 Administrative Trust Fund.

13 (8) ~~Effective July 1, 2000,~~All new recipients of
14 retirement benefits from this state shall be paid by direct
15 deposit of funds. A retiree may request from the department an
16 exemption from the provisions of this subsection when such
17 retiree can demonstrate a hardship. The department may pay
18 retirement benefits by state warrant when deemed
19 administratively necessary.

20 Section 14. Section 17.08, Florida Statutes, is
21 amended to read:

22 17.08 Accounts, etc., on which warrants drawn, to be
23 filed.--All accounts, vouchers, and evidence, upon which
24 warrants have heretofore been, or shall hereafter be, drawn
25 upon the treasury by the Chief Financial Officer ~~Comptroller~~
26 shall be filed and deposited in the office of the Chief
27 Financial Officer ~~Comptroller~~ or the office of the Chief
28 Financial Officer's ~~Comptroller's~~ designee, in accordance with
29 requirements established by law ~~the Secretary of State.~~

30 Section 15. Section 17.09, Florida Statutes, is
31 amended to read:

1 17.09 Application for warrants for salaries.--All
2 public officers who are entitled to salaries in this state
3 shall make their application for warrants in writing, stating
4 for what terms and the amount they claim, which written
5 application shall be filed by the Chief Financial Officer
6 ~~Comptroller~~ as vouchers for the warrants issued thereupon.

7 Section 16. Section 17.10, Florida Statutes, is
8 amended to read:

9 17.10 Record of warrants issued.--The Chief Financial
10 Officer ~~Comptroller~~ shall cause to be entered in the warrant
11 register a record of the warrants issued during the previous
12 month, and shall make such entry in the record so required to
13 be kept as shall show the number of each warrant issued, in
14 whose favor drawn, and the date it was issued.

15 Section 17. Section 17.11, Florida Statutes, is
16 amended to read:

17 17.11 To report disbursements made.--

18 (1) The Chief Financial Officer ~~Comptroller~~ shall make
19 in all his or her future annual reports an exhibit stated from
20 the record of disbursements made during the fiscal year, and
21 the several heads of expenditures under which such
22 disbursements were made.

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

1 made available to the agencies, the Minority Business Advocacy
2 and Assistance Office, the Governor, the President of the
3 Senate, and the Speaker of the House of Representatives. Each
4 agency shall be responsible for the accuracy of information
5 entered into the Florida Accounting Information Resource
6 Subsystem for use in this reporting.

7 Section 18. Section 17.12, Florida Statutes, is
8 amended to read:

9 17.12 Authorized to issue warrants to tax collector or
10 sheriff for payment.--Whenever it appears ~~shall appear~~ to the
11 satisfaction of the Chief Financial Officer ~~Comptroller~~ of
12 ~~this state~~ from examination of the books of his or her office
13 that the tax collector or the sheriff for any county in this
14 state has paid into the State Treasury, through mistake or
15 otherwise, a larger or greater sum than is actually due from
16 the tax said collector or sheriff, ~~then~~ the Chief Financial
17 Officer ~~Comptroller~~ may issue a warrant to the tax said
18 collector or sheriff for the sum so found to be overpaid.

19 Section 19. Section 17.13, Florida Statutes, is
20 amended to read:

21 17.13 To duplicate warrants lost or destroyed.--

22 (1) The Chief Financial Officer ~~Comptroller~~ is
23 required to duplicate any Comptroller's warrants that may have
24 been lost or destroyed, or may hereafter be lost or destroyed,
25 upon the owner thereof or the owner's agent or attorney
26 presenting the Chief Financial Officer ~~Comptroller~~ the
27 statement, under oath, reciting the number, date, and amount
28 of any warrant or the best and most definite description in
29 his or her knowledge and the circumstances of its loss; if the
30 Chief Financial Officer ~~Comptroller~~ deems it necessary, the
31 owner or the owner's agent or attorney shall file in the

1 office of the Chief Financial Officer ~~Comptroller~~ a surety
2 bond, or a bond with securities, to be approved by one of the
3 judges of the circuit court or one of the justices of the
4 Supreme Court, in a penalty of not less than twice the amount
5 of any warrants so duplicated, conditioned to indemnify the
6 state and any innocent holders thereof from any damages that
7 may accrue from such duplication.

8 (2) The Chief Financial Officer ~~Comptroller~~ is
9 required to duplicate any Chief Financial Officer's
10 ~~Comptroller's~~ warrant that may have been lost or destroyed, if
11 ~~it was or may hereafter be lost or destroyed, when~~ sent to any
12 payee via any state agency and was ~~when such warrant is~~ lost
13 or destroyed prior to being received by the payee and if
14 ~~provided~~ the director of the state agency to whom the warrant
15 was sent presents to the Chief Financial Officer ~~Comptroller~~ a
16 statement, under oath, reciting the number, date, and amount
17 of the warrant lost or destroyed, the circumstances
18 surrounding the loss or destruction of such warrant, and any
19 additional information that the Chief Financial Officer
20 ~~requests~~ ~~Comptroller shall request~~ in regard to such warrant.

21 (3) Any duplicate Chief Financial Officer's
22 ~~Comptroller's~~ warrant issued in pursuance of this section is
23 ~~the above provisions shall be~~ of the same validity as the
24 original was before its loss.

25 Section 20. Section 17.14, Florida Statutes, is
26 amended to read:

27 17.14 To prescribe forms.--The Department of Banking
28 and Insurance ~~Finance~~ may prescribe the forms of all papers,
29 vouchers, reports and returns and the manner of keeping the
30 accounts and papers to be used by the officers of this state
31 or other persons having accounts, claims, or demands against

1 the state or entrusted with the collection of any of the
2 revenue thereof or any demand due the same, which form shall
3 be pursued by such officer or other persons.

4 Section 21. Section 17.16, Florida Statutes, is
5 amended to read:

6 17.16 Seal.--The seal of office of the Chief Financial
7 Officer ~~Comptroller~~ of the state shall be the same as the seal
8 heretofore used by the Comptroller for that purpose.

9 Section 22. Section 17.17, Florida Statutes, is
10 amended to read:

11 17.17 Examination by Governor and report.--The office
12 of Chief Financial Officer ~~Comptroller of the state~~, and the
13 books, files, documents, records, and papers shall always be
14 subject to the examination of the Governor of this state, or
15 any person the Governor authorizes ~~may authorize~~ to examine
16 the same; and on the first day of January of each ~~and every~~
17 year, or oftener if called for by the Governor, the Chief
18 Financial Officer ~~Comptroller~~ shall make a full report of all
19 his or her official acts and proceedings for the last fiscal
20 year to the Governor, to be laid before the Legislature with
21 the Governor's message, and shall make such further report as
22 the constitution requires ~~may require~~.

23 Section 23. Section 17.20, Florida Statutes, is
24 amended to read:

25 17.20 Assignment of claims for collection.--

26 (1) The Department of Banking and Insurance ~~Finance~~
27 shall charge the state attorneys with the collection of all
28 claims that are placed in their hands for collection of money
29 or property for the state or any county or special district,
30 or that it otherwise requires them to collect. The charges
31 are evidence of indebtedness of a state attorney against whom

1 any charge is made for the full amount of the claim, until the
2 charges have been collected and paid into the treasury of the
3 state or of the county or special district or the legal
4 remedies of the state have been exhausted, or until the state
5 attorney demonstrates to the department that the failure to
6 collect the charges is not due to negligence and the
7 department has made a proper entry of satisfaction of the
8 charge against the state attorney.

9 (2) The department may assign the collection of any
10 claim to a collection agent who is registered and in good
11 standing pursuant to chapter 559, if the department determines
12 the assignation to be cost-effective. The department may pay
13 an agent from any amount collected under the claim a fee that
14 the department and the agent have agreed upon; may authorize
15 the agent to deduct the fee from the amount collected; may
16 require the appropriate state agency, county, or special
17 district to pay the agent the fee from any amount collected by
18 the agent on its behalf; or may authorize the agent to add the
19 fee to the amount to be collected.

20 (3) Notwithstanding any other provision of law, in any
21 contract providing for the location or collection of unclaimed
22 property, the department may authorize the contractor to
23 deduct its fees and expenses for services provided under the
24 contract from the unclaimed property that the contractor has
25 recovered or collected under the contract. The department
26 shall annually report to the Governor, the President of the
27 Senate, and the Speaker of the House of Representatives the
28 total amount collected or recovered by each contractor during
29 the previous fiscal year and the total fees and expenses
30 deducted by each contractor.

31

1 Section 24. Section 17.21, Florida Statutes, is
2 amended to read:

3 17.21 Not to allow any claim of state attorney against
4 state until report made.--The Chief Financial Officer
5 ~~Comptroller~~ shall not audit or allow any claim that ~~which~~ any
6 state attorney may have against the state for services who
7 fails ~~shall fail~~ to make any report that ~~which~~ by law the
8 state attorney is required to make to the Chief Financial
9 Officer ~~Comptroller~~ of claims of the state which it is his or
10 her duty to collect.

11 Section 25. Section 17.22, Florida Statutes, is
12 amended to read:

13 17.22 Notice to Department of Legal Affairs.--Whenever
14 the Department of Banking and Insurance ~~Finance~~ forwards any
15 bond or account or claim for suit to any state attorney, it
16 shall advise the Department of Legal Affairs of the fact,
17 giving it the amount of the claim and other necessary
18 particulars for its full information upon the subject.

19 Section 26. Section 17.25, Florida Statutes, is
20 amended to read:

21 17.25 May certify copies.--The Chief Financial Officer
22 ~~Comptroller~~ of this state may certify, under his or her seal
23 of office, copies of any record, paper, or document, by law
24 placed in the Chief Financial Officer's ~~Comptroller's~~ custody,
25 keeping, and care; and such certified copy shall have the same
26 force and effect as evidence as the original would have.

27 Section 27. Section 17.26, Florida Statutes, is
28 amended to read:

29 17.26 Cancellation of state warrants not presented
30 within 1 year; 3-year limitation on payment of warrants not
31 presented for payment.--

1 (1) If any state warrant issued by the Chief Financial
2 Officer ~~Comptroller~~ against any fund in the State Treasury is
3 not presented for payment within 1 year after the last day of
4 the month in which it was originally issued, the Chief
5 Financial Officer ~~Comptroller~~ may cancel the warrant and
6 credit the amount of the warrant to the fund upon which it is
7 drawn. If the warrant so canceled was issued against a fund
8 that is no longer operative, the amount of the warrant shall
9 be credited to the General Revenue Fund. The Chief Financial
10 Officer ~~Treasurer~~ shall not honor any state warrant after it
11 has been canceled.

12 (2) Except as provided in paragraph (3)(a), the funds
13 represented by a warrant canceled under subsection (1) are
14 presumed abandoned by the payee or person entitled to the
15 warrant and shall be reported and remitted as unclaimed
16 property under s. 717.117, except that written notice to the
17 apparent owner of the unclaimed property is not required
18 before filing of the report. An action may not be commenced
19 thereafter for recovery of funds represented by the warrant,
20 except as provided by chapter 717. This subsection applies to
21 all warrants issued on or after July 1, 1992.

22 (3) When a warrant canceled under subsection (1)
23 represents funds that are in whole or in part derived from
24 federal contributions and disposition of the funds under
25 chapter 717 would cause a loss of the federal contributions,
26 the Governor shall certify to the Chief Financial Officer
27 ~~Comptroller~~ that funds represented by such warrants are for
28 that reason exempt from treatment as unclaimed property.

29 (a) Obligations represented by warrants issued before
30 July 1, 1995, so certified are unenforceable after 3 years
31 from the last day of the month in which the warrant was

1 originally issued. When a payee or person entitled to a
2 warrant subject to this subsection requests payment, the Chief
3 Financial Officer ~~Comptroller~~ may, within 3 years from the
4 last day of the month in which the warrant was originally
5 issued, upon investigation, issue a new warrant, to be paid
6 out of the proper fund in the State Treasury, provided the
7 payee or other person executes under oath the statement
8 required by s. 17.13 or surrenders the canceled warrant.
9 There is appropriated a sufficient amount for the payment of
10 any new warrant issued to replace a canceled warrant charged
11 against an expired appropriation or charged against a fund
12 that is no longer operative. An action may not be commenced
13 thereafter on the obligation.

14 (b) Obligations represented by warrants issued on or
15 after July 1, 1995, so certified are unenforceable after 1
16 year from the last day of the month in which the warrant was
17 originally issued. An action may not be commenced thereafter
18 on the obligation unless authorized by the federal program
19 from which the original warrant was funded and unless payment
20 of the obligation is authorized to be made from the current
21 federal funding. When a payee or person entitled to a warrant
22 subject to this paragraph requests payment, and payment from
23 current federal funding is authorized by the federal program
24 from which the original warrant was funded, the Chief
25 Financial Officer ~~Comptroller~~ may, upon investigation, issue a
26 new warrant to be paid out of the proper fund in the State
27 Treasury, provided the payee or other person executes under
28 oath the statement required by s. 17.13 or surrenders the
29 canceled warrant.

30 (4) If a valid obligation of the state is due, owing,
31 and unpaid and it becomes unenforceable for any reason because

1 of the provisions and limitations contained in this section,
2 the person entitled to payment on the obligation may present a
3 claim for relief to the Legislature, provided the claim is
4 made within the time limitations presently provided by law.

5 (5) This section does not extend any applicable
6 statute of limitations or revive any barred claim with respect
7 to any state obligation outstanding and unpaid on July 1,
8 1995.

9 Section 28. Section 17.27, Florida Statutes, is
10 amended to read:

11 17.27 Microfilming and destroying records and
12 correspondence.--

13 (1) The Department of Banking and Insurance Finance
14 may destroy general correspondence files and also any other
15 records that ~~which~~ the department considers need ~~may deem~~ no
16 longer be preserved ~~necessary to preserve~~ in accordance with
17 retention schedules and destruction notices established under
18 rules of the Division of Library and Information Services,
19 records and information management program, of the Department
20 of State. Such schedules and notices relating to financial
21 records of the department shall be subject to the approval of
22 the Auditor General.

23 (2) The Department of Banking and Insurance Finance
24 may photograph, microphotograph, or reproduce on film any of
25 its ~~such~~ documents and records ~~as it may select~~, in such
26 manner that each page will be exposed in exact conformity with
27 the original.

28 (3) The Department of Banking and Insurance Finance
29 may destroy any of such ~~said~~ documents after they have been
30 photographed and filed in accordance with the provisions of
31 subsection (1).

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

10 Section 29. Section 17.28, Florida Statutes, is
11 amended to read:

12 17.28 Chief Financial Officer ~~Comptroller~~ may
13 authorize biweekly salary payments.--The Chief Financial
14 Officer ~~Comptroller~~ is authorized and may permit biweekly
15 salary payments to personnel upon written request by a
16 specific state agency. The Chief Financial Officer
17 ~~Comptroller~~ shall adopt ~~promulgate~~ reasonable rules and
18 regulations to carry out the intent of this section.

19 Section 30. Section 17.29, Florida Statutes, is
20 amended to read:

21 17.29 Authority to prescribe rules.--The Chief
22 Financial Officer ~~Comptroller~~ has authority to adopt rules
23 pursuant to ss. 120.54 and 120.536(1) to implement duties
24 assigned by statute or the State Constitution. Such rules may
25 include, but are not limited to, the following:

26 (1) Procedures or policies relating to the processing
27 of payments from salaries, other personal services, or any
28 other applicable appropriation.

29 (2) Procedures for processing interagency and
30 intraagency payments which do not require the issuance of a
31 state warrant.

1 Section 31. Section 17.30, Florida Statutes, is
2 amended to read:

3 17.30 Dissemination of information.--The Chief
4 Financial Officer ~~Comptroller~~ may disseminate, in any form or
5 manner he or she considers appropriate, information regarding
6 the Chief Financial Officer's ~~Comptroller's~~ official duties.

7 Section 32. Section 17.32, Florida Statutes, is
8 amended to read:

9 17.32 Annual report of trust funds; duties of Chief
10 Financial Officer ~~Comptroller~~.--

11 (1) On February 1 of each year, the Chief Financial
12 Officer ~~Comptroller~~ shall present to the President of the
13 Senate and the Speaker of the House of Representatives a
14 report listing all trust funds as defined in s. 215.32. The
15 report shall contain the following data elements for each fund
16 for the preceding fiscal year:

- 17 (a) The fund code.
18 (b) The title.
19 (c) The fund type according to generally accepted
20 accounting principles.
21 (d) The statutory authority.
22 (e) The beginning cash balance.
23 (f) Direct revenues.
24 (g) Nonoperating revenues.
25 (h) Operating disbursements.
26 (i) Nonoperating disbursements.
27 (j) The ending cash balance.
28 (k) The department and budget entity in which the fund
29 is located.

30 (2) The report shall separately list all funds that
31 received no revenues other than interest earnings or transfers

1 from the General Revenue Fund or from other trust funds during
2 the preceding fiscal year.

3 (3) The report shall separately list all funds that
4 had unencumbered balances in excess of \$2 million in each of
5 the 2 preceding fiscal years.

6 Section 33. Section 17.325, Florida Statutes, is
7 amended to read:

8 17.325 Governmental efficiency hotline; duties of
9 Chief Financial Officer ~~Comptroller~~.--

10 (1) ~~By September 1, 1992,~~ The Chief Financial Officer
11 ~~Comptroller~~ shall establish and operate a statewide toll-free
12 telephone hotline to receive information or suggestions from
13 the public ~~citizens of this state~~ on how to improve the
14 operation of government, increase governmental efficiency, and
15 eliminate waste in government. The Chief Financial Officer
16 ~~Comptroller~~ shall report each month to the Appropriations
17 Committee of the House of Representatives and of the Senate
18 the information or suggestions received through the hotline
19 and the evaluations and determinations made by the affected
20 agency, as provided in subsection (3), with respect to such
21 information or suggestions.

22 (2) The Chief Financial Officer ~~Comptroller~~ shall
23 operate the hotline 24 hours a day. The Chief Financial
24 Officer ~~Comptroller~~ shall advertise the availability of the
25 hotline in newspapers of general circulation in this state and
26 shall provide for the posting of notices in conspicuous places
27 in state agency offices, city halls, county courthouses, and
28 places in which there is exposure to significant numbers of
29 the general public, including, but not limited to, local
30 convenience stores, shopping malls, shopping centers, gasoline
31 stations, or restaurants. The Chief Financial Officer

1 ~~Comptroller~~ shall use the slogan "Tell us where we can 'Get
2 Lean'" for the hotline and in advertisements for the hotline.

3 (3) Each telephone call on the hotline shall be
4 received by the office of the Chief Financial Officer
5 ~~Comptroller~~, and the office of the Chief Financial Officer
6 ~~Comptroller~~ shall conduct an evaluation to determine whether
7 if it is appropriate for the telephone call to be processed as
8 a "Get Lean" telephone call. If it is determined that the
9 telephone call should be processed as a "Get Lean" telephone
10 call, a record of each suggestion or item of information
11 received shall be entered into a log kept by the Chief
12 Financial Officer ~~Comptroller~~. A caller on the hotline may
13 remain anonymous, and, if the caller provides his or her name,
14 the name shall be confidential. If a caller discloses that he
15 or she is a state employee, the Chief Financial Officer
16 ~~Comptroller~~, in addition to maintaining a record as required
17 by this section, may refer any information or suggestion from
18 the caller to an existing state awards program administered by
19 the affected agency. The affected agency shall conduct a
20 preliminary evaluation of the efficacy of any suggestion or
21 item of information received through the hotline and shall
22 provide the Chief Financial Officer ~~Comptroller~~ with a
23 preliminary determination of the amount of revenues the state
24 might save by implementing the suggestion or making use of the
25 information.

26 (4) Any person who provides any information through
27 the hotline is ~~shall be~~ immune from liability for any use of
28 such information and is ~~shall not be~~ subject to any
29 retaliation by any employee of the state for providing such
30 information or making such suggestion.

31

1 (5) The Chief Financial Officer may ~~Comptroller~~ shall
2 adopt any rule necessary to implement the establishment,
3 operation, and advertisement of the hotline.

4 Section 34. Section 17.41, Florida Statutes, is
5 amended to read:

6 17.41 Department of Banking and Insurance ~~Finance~~
7 Tobacco Settlement Clearing Trust Fund.--

8 (1) The Department of Banking and Insurance ~~Finance~~
9 Tobacco Settlement Clearing Trust Fund is created within that
10 department.

11 (2) Funds to be credited to the trust fund shall
12 consist of all annual payments received by the state from
13 settlement of State of Florida v. American Tobacco Co., No.
14 95-1466AH (Fla. 15th Cir. Ct. 1996). All moneys received from
15 the settlement shall be deposited into the trust fund and are
16 exempt from the service charges imposed under s. 215.20.

17 (3) The State Board of Administration shall invest and
18 reinvest the moneys in the trust fund in accordance with ss.
19 215.44-215.53. Costs and fees of the State Board of
20 Administration for providing such investment services shall be
21 deducted from the earnings accruing to the trust fund.

22 (4) The department shall disburse funds, by
23 nonoperating transfer, from the clearing trust fund to the
24 tobacco settlement trust funds of the various agencies in
25 amounts equal to the annual appropriations made from those
26 trust funds in the General Appropriations Act.

27 (5) Pursuant to the provisions of s. 19(f)(3), Art.
28 III of the State Constitution, the trust fund is exempt from
29 the termination provisions of s. 19(f)(2), Art. III of the
30 State Constitution.

31

1 Section 35. Section 17.43, Florida Statutes, as
2 amended by section 2 of chapter 99-84, Laws of Florida, is
3 amended to read:

4 17.43 Chief Financial Officer's ~~Comptroller's~~ Federal
5 Equitable Sharing Trust Fund.--

6 (1) The Chief Financial Officer's ~~Comptroller's~~
7 Federal Equitable Sharing Trust Fund is created within the
8 Department of Banking and Insurance ~~Finance~~. The department
9 may deposit into the trust fund receipts and revenues received
10 as a result of federal criminal, administrative, or civil
11 forfeiture proceedings and receipts and revenues received from
12 federal asset-sharing programs. The trust fund is exempt from
13 the service charges imposed by s. 215.20.

14 (2) Notwithstanding the provisions of s. 216.301 and
15 pursuant to s. 216.351, any balance in the trust fund at the
16 end of any fiscal year shall remain in the trust fund at the
17 end of the year and shall be available for carrying out the
18 purposes of the trust fund.

19 Section 36. Section 18.01, Florida Statutes, is
20 transferred, renumbered as section 17.44, Florida Statutes,
21 and amended to read:

22 17.44 ~~18.01~~ Oath and certificate of Chief Financial
23 Officer ~~Treasurer~~.--The Chief Financial Officer ~~Treasurer~~
24 shall, within 10 days before he or she enters upon the duties
25 of office, take and subscribe an oath or affirmation
26 faithfully to discharge the duties of office, which oath or
27 affirmation must be deposited with the custodian of state
28 records ~~Department of State~~. The Chief Financial Officer
29 ~~Treasurer~~ shall also file with the custodian of state records
30 ~~Department of State~~ a certificate from the retiring Chief
31 Financial Officer ~~Comptroller~~ attesting that the retiring

1 Chief Financial Officer ~~Treasurer~~ has turned over vouchers for
2 all payments made as required by law, and that the Chief
3 Financial Officer's ~~Treasurer's~~ account has been truly
4 credited with the same, and that he or she has filed receipts
5 from his or her successor for all vouchers paid since the end
6 of last quarter, and for balance of cash, and for all bonds
7 and other securities held by the Chief Financial Officer
8 ~~Treasurer~~ as such, and a certificate from each board of which
9 he or she is made by law ex officio treasurer, that he or she
10 has satisfactorily accounted to such board as its treasurer.

11 Section 37. Section 18.02, Florida Statutes, is
12 transferred, renumbered as section 17.45, Florida Statutes,
13 and amended to read:

14 17.45 ~~18.02~~ Moneys paid on warrants.--The Chief
15 Financial Officer ~~Treasurer~~ shall pay all warrants drawn on
16 the treasury ~~drawn by the Comptroller~~ and other orders ~~by the~~
17 ~~Comptroller~~ for the disbursement of state funds by electronic
18 means or by means of a magnetic tape or any other transfer
19 medium. No moneys shall be paid out of the treasury except on
20 such warrants or other orders of the Chief Financial Officer
21 ~~Comptroller~~.

22 Section 38. Section 18.021, Florida Statutes, is
23 transferred, renumbered as section 17.46, Florida Statutes,
24 and amended to read:

25 17.47 ~~18.021~~ Chief Financial Officer ~~Treasurer~~ to
26 operate personal check-cashing service.--

27 (1) The Chief Financial Officer ~~Treasurer~~ is
28 authorized to operate a personal check-cashing service or a
29 remote financial service unit at the capitol for the benefit
30 of state employees or other responsible persons who properly
31 identify themselves.

1 (2) If a personal check is dishonored or a state
2 warrant is forged and the Chief Financial Officer ~~Treasurer~~
3 has made diligent but unsuccessful effort to collect and has
4 forwarded the returned check for prosecution by the
5 appropriate state attorney, ~~then~~ he or she may include such
6 amount in his or her budget request to be considered during
7 the next legislative session.

8 Section 39. Section 18.06, Florida Statutes, is
9 transferred, renumbered as section 17.47, Florida Statutes,
10 and amended to read:

11 17.47 ~~18.06~~ Examination by and monthly statements to
12 the Governor.--~~The office of the Treasurer of this state, and~~
13 ~~the books, files, documents, records, and papers thereof,~~
14 ~~shall always be subject to the examination of the Governor of~~
15 ~~the state, or any person he or she may authorize to examine~~
16 ~~same.~~The Chief Financial Officer ~~Treasurer~~ shall exhibit to
17 the Governor monthly a trial balance sheet from his or her
18 books and a statement of all the credits, moneys, or effects
19 on hand on the day for which the ~~said~~ trial balance sheet is
20 made, and the ~~said~~ statement accompanying the ~~said~~ trial
21 balance sheet shall particularly describe the exact character
22 of funds, credits, and securities, and shall state in detail
23 the amount that ~~which~~ he or she may have representing cash,
24 including any not yet entered upon the books of his or her
25 office, and shall certify and sign the statement ~~such~~
26 ~~statement shall be certified and signed by the Treasurer~~
27 ~~officially.~~

28 Section 40. Section 18.07, Florida Statutes, is
29 transferred, renumbered as section 17.48, F.S. and amended to
30 read:

31

1 17.48 ~~18.07~~ Chief Financial Officer ~~Treasurer~~ to keep
2 record of warrants and of state funds and securities.--The
3 Chief Financial Officer ~~Treasurer~~ shall keep a record of the
4 warrants or other orders that ~~of the Comptroller which~~ the
5 Chief Financial Officer ~~Treasurer~~ pays and shall account for
6 all state funds and securities.

7 Section 41. Section 18.091, Florida Statutes, is
8 transferred, renumbered as section 17.49, Florida Statutes,
9 and amended to read:

10 17.49 ~~18.091~~ Legislative sessions; additional
11 employees.--

12 (1) ~~Whenever Hereafter during any period of time~~ the
13 Legislature is ~~of Florida may be~~ in actual session, the Chief
14 Financial Officer ~~Treasurer~~ is empowered to employ additional
15 persons to assist in performing the services required of the
16 Chief Financial Officer ~~Treasurer~~ in connection with s.
17 18.021(1). The salary ~~salaries~~ to be paid to such an employee
18 ~~employees~~ of the Chief Financial Officer ~~Treasurer~~ shall not
19 exceed ~~be in excess of~~ the highest salary paid by the House of
20 Representatives or the ~~state~~ Senate for secretarial services;
21 and the salaries for such ~~said~~ employees shall begin with the
22 convening of the Legislature in session and shall continue for
23 not more than 7 days after the close of the legislative
24 session; ~~however, provided, that~~ recesses of the Legislature
25 not in excess of 3 days shall be considered as time during
26 which the Legislature is actually in session.

27 (2) In addition to the regular annual appropriations
28 for the Chief Financial Officer ~~Treasurer~~, there is ~~hereby~~
29 appropriated for use of the Chief Financial Officer ~~Treasurer~~
30 from the General Revenue Fund, from time to time as necessary,
31

1 sufficient sums to pay the salaries of the above-described
2 employees of the Chief Financial Officer ~~Treasurer~~.

3 Section 42. Section 18.10, Florida Statutes, is
4 transferred, renumbered as section 17.50, Florida Statutes,
5 and amended to read:

6 17.50 ~~18.10~~ Deposits and investments of state money.--

7 (1) The Chief Financial Officer ~~Treasurer~~, or other
8 parties with the permission of the Chief Financial Officer
9 ~~Treasurer~~, shall deposit the money of the state or any money
10 in the State Treasury in such qualified public depositories of
11 the state as will offer satisfactory collateral security for
12 such deposits, pursuant to chapter 280. It is the duty of the
13 Chief Financial Officer ~~Treasurer~~, consistent with the cash
14 requirements of the state, to keep such money fully invested
15 or deposited as provided by law herein in order that the state
16 may realize maximum earnings and benefits.

17 (2) The Chief Financial Officer ~~Treasurer~~ shall make
18 funds available to meet the disbursement needs of the state.
19 Funds that ~~which~~ are not needed for this purpose shall be
20 placed in qualified public depositories that will pay rates
21 established by the Chief Financial Officer ~~Treasurer~~ at levels
22 not less than the prevailing rate for United States Treasury
23 securities with a corresponding maturity. If ~~In the event~~
24 money is available for interest-bearing time deposits or
25 savings accounts ~~as provided herein~~ and qualified public
26 depositories are unwilling to accept such money and pay
27 thereon the rates required ~~established above~~, ~~then~~ such money
28 that ~~which~~ qualified public depositories are unwilling to
29 accept shall be invested in:

30 (a) Direct United States Treasury obligations.

31 (b) Obligations of the Federal Farm Credit Banks.

1 (c) Obligations of the Federal Home Loan Bank and its
2 district banks.

3 (d) Obligations of the Federal Home Loan Mortgage
4 Corporation, including participation certificates.

5 (e) Obligations guaranteed by the Government National
6 Mortgage Association.

7 (f) Obligations of the Federal National Mortgage
8 Association.

9 (g) Commercial paper of prime quality of the highest
10 letter and numerical rating as provided for by at least one
11 nationally recognized rating service.

12 (h) Time drafts or bills of exchange drawn on and
13 accepted by a commercial bank, otherwise known as "bankers
14 acceptances," which are accepted by a member bank of the
15 Federal Reserve System having total deposits of not less than
16 \$400 million or which are accepted by a commercial bank which
17 is not a member of the Federal Reserve System with deposits of
18 not less than \$400 million and which is licensed by a state
19 government or the Federal Government, and whose senior debt
20 issues are rated in one of the two highest rating categories
21 by a nationally recognized rating service and which are held
22 in custody by a domestic bank which is a member of the Federal
23 Reserve System.

24 (i) Corporate obligations or corporate master notes of
25 any corporation within the United States, if the long-term
26 obligations of such corporation are rated by at least two
27 nationally recognized rating services in any one of the four
28 highest classifications. However, if such obligations are
29 rated by only one nationally recognized rating service, ~~then~~
30 the obligations must ~~shall~~ be rated in any one of the two
31 highest classifications.

- 1 (j) Obligations of the Student Loan Marketing
2 Association.
- 3 (k) Obligations of the Resolution Funding Corporation.
- 4 (l) Asset-backed or mortgage-backed securities of the
5 highest credit quality.
- 6 (m) Any obligations not previously listed which are
7 guaranteed as to principal and interest by the full faith and
8 credit of the United States Government or are obligations of
9 United States agencies or instrumentalities which are rated in
10 the highest category by a nationally recognized rating
11 service.
- 12 (n) Commingled no-load investment funds or no-load
13 mutual funds in which all securities held by the funds are
14 authorized in this subsection.
- 15 (o) Money market mutual funds as defined and regulated
16 by the Securities and Exchange Commission.
- 17 (p) Obligations of state and local governments rated
18 in any of the four highest classifications by at least two
19 nationally recognized rating services. However, if such
20 obligations are rated by only one nationally recognized rating
21 service, then the obligations shall be rated in any one of the
22 two highest classifications.
- 23 (q) Derivatives of investment instruments authorized
24 in paragraphs (a) through (m).
- 25 (r) Covered put and call options on investment
26 instruments authorized in this subsection for the purpose of
27 hedging transactions by investment managers to mitigate risk
28 or to facilitate portfolio management.
- 29 (s) Negotiable certificates of deposit issued by
30 financial institutions whose long-term debt is rated in one of
31 the three highest categories by at least two nationally

1 recognized rating services, the investment in which shall not
2 be prohibited by any provision of chapter 280.

3 (t) Foreign bonds denominated in United States dollars
4 and registered with the Securities and Exchange Commission for
5 sale in the United States, if the long-term obligations of
6 such issuers are rated by at least two nationally recognized
7 rating services in any one of the four highest
8 classifications. However, if such obligations are rated by
9 only one nationally recognized rating service, the obligations
10 must ~~shall~~ be rated in any one of the two highest
11 classifications.

12 (u) Convertible debt obligations of any corporation
13 domiciled within the United States, if the convertible debt
14 issue is rated by at least two nationally recognized rating
15 services in any one of the four highest classifications.
16 However, if such obligations are rated by only one nationally
17 recognized rating service, ~~then~~ the obligations must ~~shall~~ be
18 rated in any one of the two highest classifications.

19 (v) Securities not otherwise described in this
20 subsection. However, not more than 3 percent of the funds
21 under the control of the Treasurer shall be invested in
22 securities described in this paragraph.

23
24 These investments may be in varying maturities and may be in
25 book-entry form. Investments made pursuant to this subsection
26 may be under repurchase agreement. The Chief Financial Officer
27 ~~Treasurer~~ is authorized to hire registered investment advisers
28 and other consultants to assist in investment management and
29 to pay fees directly from investment earnings. Investment
30 securities, proprietary investment services related to
31 contracts, performance evaluation services, investment-related

1 equipment or software used directly to assist investment
2 trading or investment accounting operations including bond
3 calculators, telerates, Bloombergs, special program
4 calculators, intercom systems, and software used in
5 accounting, communications, and trading, and advisory and
6 consulting contracts made under this section are exempt from
7 the provisions of chapter 287.

8 (3) If ~~in the event~~ the financial institutions in the
9 state do not make sufficient loan funds available for a
10 residential conservation program pursuant to any plan approved
11 by the Florida Public Service Commission under the Florida
12 Energy Efficiency and Conservation Act, the board may
13 authorize the investment of state funds, except retirement
14 trust funds, in such a loan program at rates not less than
15 prevailing United States Treasury bill rates. However, prior
16 to investment of such funds, the Florida Public Service
17 Commission shall develop a plan that is ~~which must be~~ approved
18 by the Legislature before implementation.

19 (4) All earnings on any investments made pursuant to
20 this section shall be credited to the General Revenue Fund,
21 except that earnings attributable to moneys made available
22 pursuant to s. 17.54(3) ~~s. 18.125(3)~~ shall be credited pro
23 rata to the funds from which such moneys were made available.

24 (5) The fact that a municipal officer or a state
25 officer, including an officer of any municipal or state
26 agency, board, bureau, commission, institution, or department,
27 is a stockholder or an officer or director of a bank or
28 savings and loan association does ~~will~~ not bar such bank or
29 savings and loan association from being a depository of funds
30 coming under the jurisdiction of any such municipal officer or
31 state officer if it appears ~~shall appear~~ in the records of the

1 municipal or state office that the governing body of such
2 municipality or state agency has investigated and determined
3 that such municipal or state officer is not favoring such
4 banks or savings and loan associations over other qualified
5 banks or savings and loan associations.

6 (6) The Chief Financial Officer ~~Treasurer~~ is
7 designated the cash management officer for the state and is
8 charged with the coordination and supervision of procedures
9 providing for the efficient handling of financial assets under
10 the control of the State Treasury and each of the various
11 state agencies, and of the judicial branch, as defined in s.
12 216.011. This responsibility includes ~~shall include~~ the
13 supervision and approval of all banking relationships.
14 Pursuant to this responsibility, the Chief Financial Officer
15 ~~Treasurer~~ is authorized to obtain information from financial
16 institutions regarding depository accounts maintained by any
17 agency or institution of the State of Florida.

18 Section 43. Section 18.101, Florida Statutes, is
19 transferred, renumbered as section 17.51, Florida Statutes,
20 and amended to read:

21 17.51 ~~18.101~~ Deposits of public money outside the
22 State Treasury; revolving funds.--

23 (1) All moneys collected by state agencies, boards,
24 bureaus, commissions, institutions, and departments shall,
25 except as otherwise provided by law, be deposited in the State
26 Treasury. However, when the volume and complexity of
27 collections so justify, the Chief Financial Officer ~~Treasurer~~
28 may give written approval for such moneys to be deposited in
29 clearing accounts outside the State Treasury in qualified
30 public depositories pursuant to chapter 280. Such deposits
31 shall only be made only in depositories designated by the

1 Chief Financial Officer ~~Treasurer~~. No money may be maintained
2 in such clearing accounts for a period longer than approved by
3 the Chief Financial Officer ~~Treasurer~~ or 40 days, whichever is
4 shorter, prior to its being transmitted to the Chief Financial
5 Officer ~~Treasurer~~ or to an account designated by him or her,
6 distributed to a statutorily authorized account outside the
7 State Treasury, refunded, or transmitted to the Department of
8 Revenue. All depositories so designated shall pledge
9 sufficient collateral to constitute ~~be~~ security for such funds
10 as provided in chapter 280.

11 (2) Revolving funds authorized by the Chief Financial
12 Officer ~~Comptroller~~ for all state agencies, boards, bureaus,
13 commissions, institutions, and departments may be deposited by
14 such agencies, boards, bureaus, commissions, institutions, and
15 departments in qualified public depositories designated by the
16 Chief Financial Officer ~~Treasurer~~ for such revolving fund
17 deposits; and the depositories in which such deposits are made
18 must ~~shall~~ pledge collateral security as provided in chapter
19 280.

20 (3) Notwithstanding the foregoing provisions, clearing
21 and revolving accounts may be established outside the state
22 when necessary to facilitate the authorized operations of any
23 agency, board, bureau, commission, institution, or department.
24 Any ~~of~~ such account ~~accounts~~ established in the United States
25 is ~~shall be~~ subject to the collateral security requirements of
26 chapter 280. Accounts established outside the United States
27 may be exempted from the requirements of chapter 280 as
28 provided in chapter 280; but before any unsecured account is
29 established, the agency requesting or maintaining the account
30 must ~~shall~~ recommend a financial institution to the Chief
31 Financial Officer ~~Treasurer~~ for designation to hold the

1 account and must ~~shall~~ submit evidence of the financial
2 condition, size, reputation, and relative prominence of the
3 institution from which the Chief Financial Officer ~~Treasurer~~
4 can reasonably conclude that the institution is financially
5 sound before designating it to hold the account.

6 (4) Each department must ~~shall~~ furnish a statement to
7 the Chief Financial Officer ~~Treasurer~~, on or before the 20th
8 of the month following the end of each calendar quarter,
9 listing each clearing account and revolving fund within that
10 department's jurisdiction. Such statement shall report, as of
11 the last day of the calendar quarter, the cash balance in each
12 revolving fund and that portion of the cash balance in each
13 clearing account that will eventually be deposited to the
14 State Treasury as provided by law. The Chief Financial
15 Officer ~~Treasurer~~ shall show the sum total of state funds in
16 clearing accounts and revolving funds, as most recently
17 reported to the Chief Financial Officer ~~Treasurer~~ by various
18 departments, in his or her monthly statement to the Governor,
19 pursuant to s. 18.06.

20 Section 44. Section 18.103, Florida Statutes, is
21 transferred, renumbered as section 17.52, Florida Statutes,
22 and amended to read:

23 17.52 ~~18.103~~ Safekeeping services of Chief Financial
24 Officer ~~Treasurer~~.--

25 (1) The Chief Financial Officer ~~Treasurer~~ may accept
26 for safekeeping purposes, deposits of cash, securities, and
27 other documents or articles of value from any state agency as
28 defined in s. 216.011, or any county, municipality ~~city~~, or
29 political subdivision thereof, or other public authority.

30 (2) The Chief Financial Officer ~~Treasurer~~ may, in his
31 or her discretion, establish a fee for processing, servicing,

1 and safekeeping deposits and other documents or articles of
2 value held in the Chief Financial Officer's ~~Treasurer's~~ vaults
3 as requested by the various entities or as provided for by
4 law. Such fee shall be equivalent to the fee charged by
5 financial institutions for processing, servicing, and
6 safekeeping the same types of deposits and other documents or
7 articles of value.

8 (3) The Chief Financial Officer ~~Treasurer~~ shall
9 collect in advance, and persons so served shall pay to the
10 Chief Financial Officer ~~Treasurer~~ in advance, the
11 miscellaneous charges as follows:

12 (a) For copies of documents or records on file with
13 the Treasurer, per page.....\$.50.

14 (b) For each certificate of the Chief Financial
15 Officer ~~Treasurer~~, certified or under the Chief Financial
16 Officer's ~~Treasurer's~~ seal, authenticating any document or
17 other instrument.....\$.50.00.

18 (4) All fees collected for the services described in
19 this section shall be deposited in the Chief Financial
20 Officer's ~~Treasurer's~~ Administrative and Investment Trust
21 Fund.

22 Section 45. Section 18.104, Florida Statutes, is
23 transferred, renumbered as section 17.53, Florida Statutes,
24 and amended to read:

25 17.53 ~~18.104~~ Treasury Cash Deposit Trust Fund.--

26 (1) There is ~~hereby~~ created in the State Treasury the
27 Treasury Cash Deposit Trust Fund. Cash deposits made pursuant
28 to s. 17.52 ~~s. 18.103~~ shall be deposited into this fund.

29 (2) Interest earned on cash deposited into this fund
30 shall be prorated and paid to the depositing entities.

31

1 Section 46. Section 18.125, Florida Statutes, is
2 transferred, renumbered as section 17.54, Florida Statutes,
3 and amended to read:

4 17.54~~18.125~~ Chief Financial Officer ~~Treasurer~~; powers
5 and duties in the investment of certain funds.--

6 (1) The Chief Financial Officer ~~Treasurer~~, acting with
7 the approval of a majority of the State Board of
8 Administration, shall invest all general revenue funds and all
9 the trust funds and all agency funds of each state agency, and
10 of the judicial branch, as defined in s. 216.011, and may,
11 upon request, invest funds of any statutorily created board,
12 association, or entity, except for the funds required to be
13 invested pursuant to ss. 215.44-215.53, by the procedure and
14 in the authorized securities prescribed in s. 17.50 ~~s. 18.10~~;
15 for this purpose, the Chief Financial Officer ~~Treasurer~~ shall
16 be authorized to open and maintain one or more demand and
17 safekeeping accounts in any bank or savings association for
18 the investment and reinvestment and the purchase, sale, and
19 exchange of funds and securities in the accounts. Funds in
20 such accounts used solely for investments and reinvestments
21 shall be considered investment funds and not funds on deposit,
22 and such funds shall be exempt from the provisions of chapter
23 280. In addition, the securities or investments purchased or
24 held under the provisions of this section and s. 17.50 ~~s.~~
25 ~~18.10~~ may be loaned to securities dealers and banks and may be
26 registered by the Chief Financial Officer ~~Treasurer~~ in the
27 name of a third-party nominee in order to facilitate such
28 loans, provided the loan is collateralized by cash or United
29 States government securities having a market value of at least
30 100 percent of the market value of the securities loaned. The
31 Chief Financial Officer ~~Treasurer~~ shall keep a separate

1 account, designated by name and number, of each fund.
2 Individual transactions and totals of all investments, or the
3 share belonging to each fund, shall be recorded in the
4 accounts.

5 (2) By and with the consent and approval of any
6 constitutional board, the judicial branch, or agency now
7 having the constitutional power to make investments and in
8 accordance with this section, the Chief Financial Officer
9 ~~Treasurer~~ shall have the power to make purchases, sales,
10 exchanges, investments, and reinvestments for and on behalf of
11 any such board.

12 (3)(a) It is the duty of each state agency, and of the
13 judicial branch, now or hereafter charged with the
14 administration of the funds referred to in subsection (1) to
15 make such moneys available for investment as fully as is
16 consistent with the cash requirements of the particular fund
17 and to authorize investment of such moneys by the Chief
18 Financial Officer ~~Treasurer~~.

19 (b) Monthly, and more often as circumstances require,
20 such agency or judicial branch shall notify the Chief
21 Financial Officer ~~Treasurer~~ of the amount available for
22 investment; and the moneys shall be invested by the Chief
23 Financial Officer ~~Treasurer~~. Such notification shall include
24 the name and number of the fund for which the investments are
25 to be made and the life of the investment if the principal sum
26 is to be required for meeting obligations. This subsection,
27 however, shall not be construed to make available for
28 investment any funds other than those referred to in
29 subsection (1).

30
31

1 (4)(a) There is ~~hereby~~ created in the State Treasury
2 the Chief Financial Officer's ~~Treasurer's~~ Administrative and
3 Investment Trust Fund.

4 (b) The Chief Financial Officer ~~Treasurer~~ shall make
5 an annual assessment of 0.12 percent against the average daily
6 balance of those moneys made available pursuant to this
7 section and 0.2 percent against the average daily balance of
8 those funds requiring investment in a separate account. The
9 proceeds of this assessment shall be deposited in the Chief
10 Financial Officer's ~~Treasurer's~~ Administrative and Investment
11 Trust Fund.

12 (c) The moneys so received and deposited in the fund
13 shall be used by the Chief Financial Officer ~~Treasurer~~ to
14 defray the expense of his or her office in the discharge of
15 the administrative and investment powers and duties prescribed
16 by this section and this chapter, including the maintaining of
17 an office and necessary supplies therefor, essential equipment
18 and other materials, salaries and expenses of required
19 personnel, and all other legitimate expenses relating to the
20 administrative and investment powers and duties imposed upon
21 and charged to the Chief Financial Officer ~~Treasurer~~ under
22 this section and this chapter. The unencumbered balance in the
23 trust fund at the close of each quarter ~~may shall~~ not exceed
24 \$750,000. Any funds in excess of this amount shall be
25 transferred unallocated to the General Revenue Fund. However,
26 fees received from deferred compensation participants pursuant
27 to s. 112.215 shall not be transferred to the General Revenue
28 Fund and shall be used to operate the deferred compensation
29 program.

30 (5) The transfer of the powers, duties, and
31 responsibilities of existing state agencies and of the

1 judicial branch made by this section to the Chief Financial
2 Officer includes ~~Treasurer shall include~~ only the particular
3 powers, duties, and responsibilities hereby transferred, and
4 all other existing powers are ~~shall~~ in no way ~~be~~ affected by
5 this section.

6 Section 47. Section 18.15, Florida Statutes, is
7 transferred, renumbered as section 17.55, Florida Statutes,
8 and amended to read:

9 17.55 ~~18.15~~ Interest on state moneys deposited; when
10 paid.--Interest on state moneys deposited in qualified public
11 depositories under s. 17.50 is ~~s. 18.10~~ ~~shall be~~ payable to
12 the Chief Financial Officer ~~Treasurer~~ quarterly or
13 semiannually.

14 Section 48. Section 18.17, Florida Statutes, is
15 transferred, renumbered as section 17.56, Florida Statutes,
16 and amended to read:

17 17.56 ~~18.17~~ Chief Financial Officer ~~Treasurer~~ not to
18 issue evidences of indebtedness.--It is not lawful for the
19 Chief Financial Officer ~~Treasurer of this state~~ to issue any
20 treasury certificates, or any other evidences of indebtedness,
21 for any purpose whatever, and the Chief Financial Officer
22 ~~Treasurer~~ is prohibited from issuing the same.

23 Section 49. Section 18.20, Florida Statutes, is
24 transferred, renumbered as section 18.57, Florida Statutes,
25 and amended to read:

26 17.57 ~~18.20~~ Chief Financial Officer ~~Treasurer~~ to make
27 reproductions of certain warrants, records, and documents.--

28 (1) All vouchers or checks heretofore or hereafter
29 drawn by appropriate court officials of the several counties
30 of the state against money deposited with the Chief Financial
31 Officer ~~Treasurer~~ under the provisions of s. 43.17, and paid

1 by the Chief Financial Officer ~~Treasurer~~, may be photographed,
2 microphotographed, or reproduced on film by the Chief
3 Financial Officer ~~Treasurer~~. Such photographic film must
4 ~~shall~~ be durable material, and the device used to ~~so~~ reproduce
5 such warrants, vouchers, or checks must ~~shall~~ be one that
6 ~~which~~ accurately reproduces the originals ~~thereof~~ in all
7 detail. ~~and~~ Such photographs, microphotographs, or
8 reproductions on film must ~~shall~~ be placed in conveniently
9 accessible and identified files and must ~~shall~~ be preserved by
10 the Chief Financial Officer ~~Treasurer~~ as a part of the
11 permanent records of his or her office. When any such
12 warrants, vouchers, or checks have been so photographed,
13 microphotographed, or reproduced on film, and the photographs,
14 microphotographs, or reproductions on film ~~thereof~~ have been
15 placed in files as a part of the permanent records of the
16 office of the Chief Financial Officer ~~Treasurer~~ ~~as aforesaid~~,
17 he or she ~~the Treasurer~~ is authorized to return such warrants,
18 vouchers, or checks to the offices of the respective county
19 officials who drew them, ~~the same~~ and such warrants, vouchers,
20 or checks shall be retained and preserved in the ~~such~~ offices
21 to which they have been returned as a part of the permanent
22 records of those ~~such~~ offices.

23 (2) Such photographs, microphotographs, or
24 reproductions on film of ~~said~~ warrants, vouchers, or checks
25 shall be deemed to be original records for all purposes; and
26 any copy or reproduction ~~thereof~~ made from the such original
27 film, duly certified by the Chief Financial Officer ~~Treasurer~~
28 as a true and correct copy or reproduction made from such
29 film, shall be considered ~~deemed to be~~ a transcript,
30 exemplification, or certified copy of the original warrant,
31 voucher, or check such copy represents, and shall in all cases

1 and in all courts and places be admitted and received in
2 evidence with the same ~~like~~ force and effect as the original
3 ~~thereof might be.~~

4 (3) The Chief Financial Officer ~~Treasurer~~ is also
5 ~~hereby~~ authorized to photograph, microphotograph, or reproduce
6 on film, all records and documents of his or her ~~said~~ office,
7 as the Chief Financial Officer ~~Treasurer~~ may, in his or her
8 ~~discretion,~~ select; and the said Chief Financial Officer
9 ~~Treasurer~~ is ~~hereby~~ authorized to destroy any of the ~~said~~
10 documents or records after they have been photographed and
11 filed and after audit of the Chief Financial Officer's
12 ~~Treasurer's~~ office has been completed for the period embracing
13 the dates of the ~~said~~ documents and records.

14 (4) Photographs or microphotographs in the form of
15 film or prints of any records made in compliance with the
16 provisions of this section shall have the same force and
17 effect as the originals ~~thereof would have,~~ and shall be
18 treated as originals for the purpose of their admissibility in
19 evidence. Duly certified or authenticated reproductions of
20 such photographs or microphotographs shall be admitted in
21 evidence equally with the original photographs or
22 microphotographs.

23 Section 50. Section 18.23, Florida Statutes, is
24 transferred, renumbered as section 17.58, Florida Statutes,
25 and amended to read:

26 17.58 ~~18.23~~ Chief Financial Officer ~~Treasurer~~ to
27 prescribe forms.--The Chief Financial Officer ~~Treasurer~~ may
28 prescribe the forms, and the manner of keeping such forms ~~the~~
29 ~~same~~, for all receipts, credit advices, abstracts, reports,
30 and other papers furnished the Chief Financial Officer
31 ~~Treasurer~~ by the officers of this state or other persons or

1 entities as a result of their having, or depositing, state
2 moneys.

3 Section 51. Section 18.24, Florida Statutes, is
4 transferred, renumbered as section 17.59, Florida Statutes,
5 and amended to read:

6 17.59 ~~18.24~~ Securities in book-entry form.--Any
7 security that ~~which~~:

8 (1)(a) Is eligible to be held in book-entry form on
9 the books of the Federal Reserve Book-Entry System; or

10 (b) Is eligible for deposit in a depository trust
11 clearing system established to hold and transfer securities by
12 computerized book-entry systems; and that ~~which~~

13 (2)(a) Is held in the name of the State Chief
14 Financial Officer ~~Treasurer~~ or in the name of the State
15 Insurance Commissioner; or

16 (b) Is pledged to the State Chief Financial Officer,
17 ~~Treasurer or to the State Insurance Commissioner;~~

18
19 under any state law for any purpose whatsoever, may be held in
20 book-entry form on the books of the Federal Reserve Book-Entry
21 System or on deposit in a depository trust clearing system.

22 Section 52. The powers, duties, functions, records,
23 personnel, property, unexpended balances of appropriations,
24 and other funds of the Department of Banking and Finance, and
25 the powers, duties, functions, records, personnel, property,
26 unexpended balances of appropriations, and other funds of the
27 Department of Insurance, except for the powers, duties,
28 functions, records, personnel, property, unexpended balances
29 of appropriations, and other funds of the Division of the
30 State Fire Marshal, are transferred by a type two transfer, as
31

1 defined in section 20.06, Florida Statutes, to the Department
2 of Banking and Insurance.

3 Section 53. The powers, duties, functions, records,
4 personnel, property, unexpended balances of appropriations,
5 and other funds of the Division of the State Fire Marshal of
6 the Department of Insurance are transferred by a type two
7 transfer, as defined in section 20.06, Florida Statutes, to
8 the Department of Agriculture and Consumer Services.

9 Section 54. Sections 18.03, 18.05, 18.08, 18.09,
10 18.22, 20.12, and 20.13, Florida Statutes, are repealed.

11 Section 55. This act shall take effect January 7,
12 2003.

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SENATE SUMMARY

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Creates the Department of Banking and Insurance and transfers to it the powers, duties, functions, property, personnel, records, unexpended balances of appropriations, and other funds of the Department of Insurance and of the Department of Banking and Finance, with the exception that the powers, duties, functions, property, personnel, records, unexpended balances of appropriations, and other funds of the Division of the State Fire Marshal are transferred to the Department of Agriculture and Consumer Services. Abolishes the Department of Insurance and the Department of Banking and Finance.