

By Senator Geller

29-2387-02

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.; conforming provisions; transferring,  
 14          renumbering, and amending ss. 18.01, 18.02,  
 15          18.021, 18.06, 18.07, 18.091, 18.10, 18.101,  
 16          18.103, 18.104, 18.125, 18.15, 18.17, 18.20,  
 17          18.23, 18.24, F.S.; conforming provisions;  
 18          repealing s. 18.03, F.S., relating to residence  
 19          and office of the Treasurer; repealing s.  
 20          18.05, F.S., relating to annual report to  
 21          Governor; repealing s. 18.08, F.S., relating to  
 22          warrants turned over to the Comptroller;  
 23          repealing s. 18.09, F.S., relating to annual  
 24          report to the Legislature; repealing s. 18.22,  
 25          F.S., relating to rulemaking authority of the  
 26          Department of Banking and Finance; providing  
 27          for the construction of the act in pari materia  
 28          with Laws enacted at the 2002 Regular Session;  
 29          providing an effective date.

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

1           Section 1. Department of Banking and Insurance.--There  
2 is created a Department of Banking and Insurance.

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

5           (2) The following divisions of the Department of  
6 Banking and Insurance are established:

7           (a) Division of Insurer Services.

8           (b) Division of Insurance Consumer Services.

9           (c) Division of Agents and Agencies Services.

10          (d) Division of Rehabilitation and Liquidation.

11          (e) Division of Risk Management.

12          (f) Division of Financial Investigation.

13          (g) Division of Insurance Fraud.

14          (h) Division of Administration.

15          (i) Division of Treasury.

16          (j) Division of Legal Services.

17          (3)(a) The department shall have an assistant chief  
18 financial officer.

19          (b) The Division of Insurer Services shall have at  
20 least two deputy directors. All other divisions shall have a  
21 director and may have an assistant director. The department  
22 may change the name of any division, by rule, if the name  
23 indicates the responsibilities of the division.

24          (4) The Division of Insurance Fraud shall enforce the  
25 provisions of section 626.989, Florida Statutes. The division  
26 shall establish a Bureau of Workers' Compensation Insurance  
27 Fraud for the sole purpose of enforcing those provisions of  
28 chapter 440, Florida Statutes, which, if violated, would  
29 result in the commission of fraudulent insurance acts.

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

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

6           (b) To carry out the purposes of paragraph (a), a  
7 Section of Government Employee Deferred Compensation is  
8 created within the Division of Treasury.

9           (7) There is created as a subunit within the  
10 department the Office of Financial Investigation. The office  
11 shall:

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

14           (b) Have a separate budget.

15           Section 2. Section 17.011, Florida Statutes, is  
16 amended to read:

17           17.011 Chief Financial Officer Assistant  
18 ~~comptroller~~.--The Chief Financial Officer Comptroller of the  
19 state may appoint an assistant Chief Financial Officer  
20 ~~comptroller~~ to hold office at ~~during~~ the pleasure of the Chief  
21 Financial Officer Comptroller.

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

24           17.02 Place of residence and office.--The Chief  
25 Financial Officer Comptroller shall reside at the seat of  
26 government of this state, and shall hold office in a room in  
27 the Capitol.

28           Section 4. Section 17.03, Florida Statutes, is amended  
29 to read:

30           17.03 Duty to audit claims against the state.--

31

1           (1) The Chief Financial Officer ~~Comptroller~~ of this  
2 state, using generally accepted auditing procedures for  
3 testing or sampling, shall examine, audit, and settle all  
4 accounts, claims, and demands, whatsoever, against the state,  
5 arising under any law or resolution of the Legislature, and  
6 shall ~~issue a warrant to the Treasurer directing the Treasurer~~  
7 ~~to pay out of the State Treasury such amount as is shall be~~  
8 allowed by law ~~the Comptroller thereon~~.

9           (2) The Chief Financial Officer ~~Comptroller~~ may  
10 establish dollar thresholds applicable to each invoice amount  
11 and other criteria for testing or sampling invoices on a  
12 preaudit and postaudit basis. The Chief Financial Officer  
13 ~~Comptroller~~ may revise such thresholds and other criteria for  
14 an agency or the unit of any agency as he or she deems  
15 appropriate.

16           (3) The Chief Financial Officer ~~Comptroller~~ may adopt  
17 and disseminate to the agencies procedural and documentation  
18 standards for payment requests and may provide training and  
19 technical assistance to the agencies for these standards.

20           (4) The Chief Financial Officer ~~Comptroller~~ shall have  
21 the legal duty of delivering all state warrants and shall be  
22 charged with the official responsibility of the protection and  
23 security of the state warrants while in his or her custody.  
24 The Chief Financial Officer ~~Comptroller~~ may delegate this  
25 authority to other state agencies or officers.

26           Section 5. Section 17.031, Florida Statutes, is  
27 amended to read:

28           17.031 Security of Chief Financial Officer's  
29 ~~Comptroller's~~ office.--The Chief Financial Officer ~~Comptroller~~  
30 is authorized to engage the full-time services of two law  
31 enforcement officers, with power of arrest, to prevent all

1 acts of a criminal nature directed at the property in the  
2 custody or control of the Chief Financial Officer ~~Comptroller~~.  
3 While so assigned, these ~~said~~ officers shall be under the  
4 direction and supervision of the Chief Financial Officer  
5 ~~Comptroller~~, and their salaries and expenses shall be paid  
6 from the general fund of the office of Chief Financial Officer  
7 ~~Comptroller~~.

8 Section 6. Section 17.04, Florida Statutes, is amended  
9 to read:

10 17.04 To audit and adjust accounts of officers and  
11 those indebted to the state.--The Department of Banking and  
12 Insurance ~~Finance of this state~~, using generally accepted  
13 auditing procedures for testing or sampling, shall examine,  
14 audit, adjust, and settle the accounts of all the officers of  
15 this state, and any other person in anywise entrusted with, or  
16 who may have received any property, funds, or moneys of this  
17 state, or who may be in anywise indebted or accountable to  
18 this state for any property, funds, or moneys, and require  
19 such officers ~~officer~~ or persons to render full accounts  
20 thereof, and to yield up such property or funds according to  
21 law, or pay such moneys into the treasury of this state, or to  
22 such officer or agent of the state as is ~~may be~~ appointed to  
23 receive the same, and on failure so to do, to cause to be  
24 instituted and prosecuted proceedings, criminal or civil, at  
25 law or in equity, against such persons, according to law. The  
26 Division of Financial Investigations may conduct  
27 investigations within or outside ~~of~~ this state as it deems  
28 necessary to aid in the enforcement of this section. If  
29 during an investigation the division has reason to believe  
30 that any criminal statute of this state has or may have been  
31 violated, the division shall refer any records tending to show

1 such violation to state or federal law enforcement or  
2 prosecutorial agencies and shall provide investigative  
3 assistance to those agencies as required.

4 Section 7. Section 17.0401, Florida Statutes, is  
5 amended to read:

6 17.0401 Confidentiality of information relating to  
7 financial investigations.--Except as otherwise provided by  
8 this section, information relative to an investigation  
9 conducted by the Division of Financial Investigations pursuant  
10 to s. 17.04, including any consumer complaint, is confidential  
11 and exempt from the provisions of s. 119.07(1) and s. 24(a),  
12 Art. I of the State Constitution until the investigation is  
13 completed or ceases to be active. Any information relating to  
14 an investigation conducted by the division pursuant to s.  
15 17.04 shall remain confidential and exempt from the provisions  
16 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
17 after the division's investigation is completed or ceases to  
18 be active if the division submits the information to any law  
19 enforcement or prosecutorial agency for further investigation.  
20 Such information shall remain confidential and exempt from the  
21 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution until that agency's investigation is completed or  
23 ceases to be active. For purposes of this section, an  
24 investigation shall be considered "active" so long as the  
25 division or any law enforcement or prosecutorial agency is  
26 proceeding with reasonable dispatch and has a reasonable good  
27 faith belief that the investigation may lead to the filing of  
28 an administrative, civil, or criminal proceeding. This  
29 section shall not be construed to prohibit disclosure of  
30 information that ~~which~~ is required by law to be filed with the  
31 Department of Banking and Insurance Finance and that ~~which~~,

1 but for the investigation, would otherwise be subject to  
2 public disclosure. Nothing in this section shall be construed  
3 to prohibit the division from providing information to any law  
4 enforcement or prosecutorial agency. Any law enforcement or  
5 prosecutorial agency receiving confidential information from  
6 the division in connection with its official duties shall  
7 maintain the confidentiality of the information as provided  
8 for in this section.

9 Section 8. Section 17.041, Florida Statutes, is  
10 amended to read:

11 17.041 County and district accounts and claims.--

12 (1) It shall be the duty of the Department of Banking  
13 and Insurance ~~Finance of this state~~ to adjust and settle, or  
14 cause to be adjusted and settled, all accounts and claims  
15 heretofore or hereafter reported to it by the Auditor General,  
16 the appropriate county or district official, or any person  
17 against all county and district officers and employees, and  
18 against all other persons entrusted with, or who may have  
19 received, any property, funds, or moneys of a county or  
20 district or who may be in anywise indebted to or accountable  
21 to a county or district for any property, funds, moneys, or  
22 other thing of value, and to require such officer, employee,  
23 or person to render full accounts thereof and to yield up such  
24 property, funds, moneys, or other thing of value according to  
25 law to the officer or authority entitled by law to receive the  
26 same.

27 (2) On the failure of such officer, employee, or  
28 person to adjust and settle such account, or to yield up such  
29 property, funds, moneys, or other thing of value, the  
30 department shall direct the attorney for the board of county  
31 commissioners, the district school board, or the district, as

1 the case may be, entitled to such account, property, funds,  
2 moneys, or other thing of value to represent such county or  
3 district in enforcing settlement, payment, or delivery of such  
4 account, property, funds, moneys, or other thing of value. The  
5 department may enforce such settlement, payment, or delivery  
6 pursuant to s. 17.20.

7 (3) If ~~Should~~ the attorney for the county or district  
8 ~~is aforesaid be~~ disqualified or unable to act, and no other  
9 attorney ~~is be~~ furnished by the county or district, or if  
10 ~~should~~ the department otherwise considers ~~deem~~ it advisable,  
11 such account or claim may be certified to the Department of  
12 Legal Affairs by the department, to be prosecuted by the  
13 Department of Legal Affairs at county or district expense, as  
14 the case may be, including necessary per diem and travel  
15 expense in accordance with s. 112.061, ~~as now or hereafter~~  
16 ~~amended~~. Such expenses, when approved by the department,  
17 shall be paid forthwith by such county or district.

18 (4) If ~~Should~~ it appears ~~appear~~ to the department that  
19 any criminal statute of this state has been or may have been  
20 violated by such defaulting officer, employee, or person, such  
21 information, evidence, documents, and other things tending to  
22 show such a violation, whether in the hands of the Chief  
23 Financial Officer ~~Comptroller~~, the Auditor General, the  
24 county, or the district, shall be forthwith turned over to the  
25 proper state attorney for inspection, study, and such action  
26 as is ~~may be~~ deemed proper, or the same may be brought to the  
27 attention of the proper grand jury.

28 (5) No such account or claim, after it has been  
29 certified to the department, may be settled for less than the  
30 amount due according to law without the written consent of the  
31 department, and any attempt to make settlement in violation of



1 this subsection is ~~shall be deemed~~ null and void. A county or  
2 district board seeking ~~desiring~~ to make such a settlement  
3 shall incorporate the proposed settlement into a resolution,  
4 stating that the proposed settlement is contingent upon the  
5 Chief Financial Officer's ~~Comptroller's~~ approval, and shall  
6 submit two copies of the resolution to the department. The  
7 department shall return one copy with the Chief Financial  
8 Officer's ~~Comptroller's~~ action endorsed thereon.

9 (6) No settlement of account of any such officer,  
10 employee, or person, with the county or district, or any of  
11 their officers or agents, made in an amount or manner other  
12 than as authorized by law or for other than a lawful county or  
13 district purpose, is ~~shall be~~ binding upon such county or  
14 district unless and until approved by the department, or  
15 unless more than 4 years ~~shall~~ have elapsed from the date of  
16 such settlement.

17 (7) Nothing in this section shall supersede the  
18 continuing duty of the proper county and district officers to  
19 require any officer, employee, or person to render full  
20 accounts of and to yield up according to law to the officer or  
21 authority entitled by law to receive the same, any property,  
22 funds, moneys, or other thing of value as to which such  
23 officer, employee, or person is in anywise indebted to or  
24 accountable to such county or district. The provisions of  
25 this section provide for collections and recoveries that ~~which~~  
26 the proper county or district officers have failed to make,  
27 and for correction of settlements made in an amount or manner  
28 other than as authorized by law.

29 Section 9. Section 17.0415, Florida Statutes, is  
30 amended to read:

31

1           17.0415 Transfer and assignment of claims.--In order  
2 to facilitate their collection from third parties, the Chief  
3 Financial Officer ~~Comptroller~~ may authorize the assignment of  
4 claims among the state, its agencies, and its subdivisions,  
5 whether arising from criminal, civil, or other judgments in  
6 state or federal court. The state, its agencies, and its  
7 subdivisions, may assign claims under such terms as are  
8 mutually acceptable to the Chief Financial Officer ~~Comptroller~~  
9 and the assignee and assignor. The assigned claim may be  
10 enforced as a setoff to any claim against the state, its  
11 agencies, or its subdivisions, by garnishment or in the same  
12 manner as a judgment in a civil action. Claims against the  
13 state, its agencies, and its subdivisions resulting from the  
14 condemnation of property protected by the provisions of s. 4,  
15 Art. X of the State Constitution are not subject to setoff  
16 pursuant to this section.

17           Section 10. Section 17.05, Florida Statutes, is  
18 amended to read:

19           17.05 Subpoenas; sworn statements; enforcement  
20 proceedings.--

21           (1) The Chief Financial Officer ~~Comptroller~~ may demand  
22 ~~and~~ require full answers on oath from any ~~and every~~ person  
23 that is, party or privy to any account, claim, or demand  
24 against or by the state ~~which, such as~~ it is ~~may be~~ the Chief  
25 Financial Officer's ~~Comptroller's~~ official duty to examine  
26 ~~into~~, and the Chief Financial Officer ~~which answers the~~  
27 ~~Comptroller~~ may require that these answers to be in writing  
28 and ~~to be~~ sworn to before the Chief Financial Officer  
29 ~~Comptroller~~ or the department or before any judicial officer  
30 or clerk of any court of the state so as to enable the Chief  
31

1 Financial Officer ~~Comptroller~~ to determine the justice or  
2 legality of such account, claim, or demand.

3 (2) In exercising authority under this chapter, the  
4 Chief Financial Officer ~~Comptroller~~ or his or her designee  
5 may:

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

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

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

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

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

17 Section 11. Section 17.06, Florida Statutes, is  
18 amended to read:

19 17.06 Disallowed items and accounts.--The Chief  
20 Financial Officer ~~Comptroller~~ shall erase from any original  
21 account all items disallowed by him or her; and when the Chief  
22 Financial Officer ~~Comptroller~~ shall reject the whole of any  
23 account he or she shall write across the face of it the word  
24 "disallowed," and the date, and file the same in the Chief  
25 Financial Officer's ~~Comptroller's~~ office or deliver it to the  
26 claimant.

27 Section 12. Section 17.075, Florida Statutes, is  
28 amended to read:

29 17.075 Form of state warrants and other payment  
30 orders; rules.--

31

1           (1) The Department of Banking and Insurance ~~Finance~~ is  
2 authorized to establish the form or forms of state warrants  
3 that ~~which~~ are to be drawn by it and of other orders for  
4 payment or disbursement of moneys out of the State Treasury  
5 and to change the form thereof from time to time as the  
6 department may consider necessary or appropriate. Such orders  
7 for payment may be in any form, but, regardless of form, each  
8 order shall be subject to the accounting and recordkeeping  
9 requirements applicable to state warrants.

10           (2) The department shall adopt rules establishing  
11 accounting and recordkeeping procedures for all payments made  
12 by electronic transfer of funds or by any other means. Such  
13 procedures shall be consistent with the statutory requirements  
14 applicable to payments by state warrant.

15           Section 13. Section 17.076, Florida Statutes, is  
16 amended to read:

17           17.076 Direct deposit of funds.--

18           (1) As used in this section:

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

22           (b) "Department" means the Department of Banking and  
23 Insurance ~~Finance~~.

24           (2) The department shall establish a program for the  
25 direct deposit of funds to the account of the beneficiary of  
26 such a payment or disbursement in any financial institution  
27 equipped for electronic fund transfers, which institution is  
28 designated in writing by such beneficiary and has lawful  
29 authority to accept such deposits. Direct deposit of funds  
30 shall be by any electronic or other transfer medium approved  
31 by the department for such purpose.

1           (3) The department may contract with an authorized  
2 financial institution for the services necessary to operate  
3 the program. In order to implement the provisions of this  
4 section, the Chief Financial Officer ~~Comptroller~~ is authorized  
5 to deposit with that financial institution the funds payable  
6 to the beneficiaries, in lump sum, by Chief Financial  
7 Officer's ~~Comptroller's~~ warrant to make the authorized direct  
8 deposits.

9           (4) The written authorization of a beneficiary shall  
10 be filed with the department or its designee. Such  
11 authorization shall remain in effect until withdrawn in  
12 writing by the beneficiary or dishonored by the designated  
13 financial institution.

14           (5) All direct deposit records made prior to October  
15 1, 1986, are exempt from the provisions of s. 119.07(1). With  
16 respect to direct deposit records made on or after October 1,  
17 1986, the names of the authorized financial institutions and  
18 the account numbers of the beneficiaries are confidential and  
19 exempt from the provisions of s. 119.07(1).

20           (6) The department shall implement local option direct  
21 deposit of funds for local governmental entities ~~by January 1,~~  
22 ~~1996.~~

23           (7) To cover the department's actual costs for  
24 processing the direct deposit of funds other than salary or  
25 retirement benefits, the department may charge the beneficiary  
26 of the direct deposit a reasonable fee. The department may  
27 collect the fee by direct receipt from the beneficiary or by  
28 subtracting the amount of the fee from the funds due the  
29 beneficiary. Such fees collected by the department shall be  
30 deposited into the Department of Banking and Finance  
31 Administrative Trust Fund.

1           (8) ~~Effective July 1, 2000,~~All new recipients of  
2 retirement benefits from this state shall be paid by direct  
3 deposit of funds. A retiree may request from the department an  
4 exemption from the provisions of this subsection when such  
5 retiree can demonstrate a hardship. The department may pay  
6 retirement benefits by state warrant when deemed  
7 administratively necessary.

8           Section 14. Section 17.08, Florida Statutes, is  
9 amended to read:

10           17.08 Accounts, etc., on which warrants drawn, to be  
11 filed.--All accounts, vouchers, and evidence, upon which  
12 warrants have heretofore been, or shall hereafter be, drawn  
13 upon the treasury by the Chief Financial Officer ~~Comptroller~~  
14 shall be filed and deposited in the office of the Chief  
15 Financial Officer ~~Comptroller~~ or the office of the Chief  
16 Financial Officer's ~~Comptroller's~~ designee, in accordance with  
17 requirements established by law ~~the Secretary of State~~.

18           Section 15. Section 17.09, Florida Statutes, is  
19 amended to read:

20           17.09 Application for warrants for salaries.--All  
21 public officers who are entitled to salaries in this state,  
22 shall make their application for warrants in writing, stating  
23 for what terms and the amount they claim, which written  
24 application shall be filed by the Chief Financial Officer  
25 ~~Comptroller~~ as vouchers for the warrants issued thereupon.

26           Section 16. Section 17.10, Florida Statutes, is  
27 amended to read:

28           17.10 Record of warrants issued.--The Chief Financial  
29 Officer ~~Comptroller~~ shall cause to be entered in the warrant  
30 register a record of the warrants issued during the previous  
31 month, and shall make such entry in the record so required to

1 be kept as shall show the number of each warrant issued, in  
2 whose favor drawn, and the date it was issued.

3 Section 17. Section 17.11, Florida Statutes, is  
4 amended to read:

5 17.11 To report disbursements made.--

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

11 (2) The Chief Financial Officer ~~Comptroller~~ shall also  
12 cause to have reported from the Florida Accounting Information  
13 Resource Subsystem no less than quarterly the disbursements  
14 that ~~which~~ agencies have made to small businesses, as defined  
15 in the Florida Small and Minority Business Assistance Act of  
16 1985; to certified minority business enterprises in the  
17 aggregate; and to certified minority business enterprises  
18 broken down into categories of minority persons, as well as  
19 gender and nationality subgroups. This information shall be  
20 made available to the agencies, the Minority Business Advocacy  
21 and Assistance Office, the Governor, the President of the  
22 Senate, and the Speaker of the House of Representatives. Each  
23 agency shall be responsible for the accuracy of information  
24 entered into the Florida Accounting Information Resource  
25 Subsystem for use in this reporting.

26 Section 18. Section 17.12, Florida Statutes, is  
27 amended to read:

28 17.12 Authorized to issue warrants to tax collector or  
29 sheriff for payment.--Whenever it appears ~~shall appear~~ to the  
30 satisfaction of the Chief Financial Officer ~~Comptroller~~ of  
31 ~~this state~~ from examination of the books of his or her office



1 that the tax collector or the sheriff for any county in this  
2 state has paid into the State Treasury, through mistake or  
3 otherwise, a larger or greater sum than is actually due from  
4 the tax ~~said~~ collector or sheriff, ~~then~~ the Chief Financial  
5 Officer ~~Comptroller~~ may issue a warrant to the tax ~~said~~  
6 collector or sheriff for the sum so found to be overpaid.

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

9 17.13 To duplicate warrants lost or destroyed.--

10 (1) The Chief Financial Officer ~~Comptroller~~ is  
11 required to duplicate any ~~Comptroller's~~ warrants that may have  
12 been lost or destroyed, or may hereafter be lost or destroyed,  
13 upon the owner thereof or the owner's agent or attorney  
14 presenting the Chief Financial Officer ~~Comptroller~~ the  
15 statement, under oath, reciting the number, date, and amount  
16 of any warrant or the best and most definite description in  
17 his or her knowledge and the circumstances of its loss; if the  
18 Chief Financial Officer ~~Comptroller~~ deems it necessary, the  
19 owner or the owner's agent or attorney shall file in the  
20 office of the Chief Financial Officer ~~Comptroller~~ a surety  
21 bond, or a bond with securities, to be approved by one of the  
22 judges of the circuit court or one of the justices of the  
23 Supreme Court, in a penalty of not less than twice the amount  
24 of any warrants so duplicated, conditioned to indemnify the  
25 state and any innocent holders thereof from any damages that  
26 may accrue from such duplication.

27 (2) The Chief Financial Officer ~~Comptroller~~ is  
28 required to duplicate any Chief Financial Officer's  
29 ~~Comptroller's~~ warrant that may have been lost or destroyed, if  
30 it was ~~or may hereafter be lost or destroyed, when sent to any~~  
31 payee via any state agency and was ~~when such warrant is~~ lost

1 or destroyed prior to being received by the payee and if  
2 ~~provided~~ the director of the state agency to whom the warrant  
3 was sent presents to the Chief Financial Officer ~~Comptroller~~ a  
4 statement, under oath, reciting the number, date, and amount  
5 of the warrant lost or destroyed, the circumstances  
6 surrounding the loss or destruction of such warrant, and any  
7 additional information that the Chief Financial Officer  
8 ~~requests~~ ~~Comptroller shall request~~ in regard to such warrant.

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

13 Section 20. Section 17.14, Florida Statutes, is  
14 amended to read:

15 17.14 To prescribe forms.--The Department of Banking  
16 and Insurance ~~Finance~~ may prescribe the forms of all papers,  
17 vouchers, reports, and returns and the manner of keeping the  
18 accounts and papers to be used by the officers of this state  
19 or other persons having accounts, claims, or demands against  
20 the state or entrusted with the collection of any of the  
21 revenue thereof or any demand due the same, which form shall  
22 be pursued by such officer or other persons.

23 Section 21. Section 17.16, Florida Statutes, is  
24 amended to read:

25 17.16 Seal.--The seal of office of the Chief Financial  
26 Officer ~~Comptroller~~ of the state shall be the same as the seal  
27 heretofore used by the Comptroller for that purpose.

28 Section 22. Section 17.17, Florida Statutes, is  
29 amended to read:

30 17.17 Examination by Governor and report.--The office  
31 of Chief Financial Officer ~~Comptroller of the state~~, and the

1 associated books, files, documents, records, and papers, ~~shall~~  
2 always remain ~~be~~ subject to the examination of the Governor of  
3 this state, or any person the Governor authorizes ~~may~~  
4 ~~authorize~~ to examine the same; and on the first day of January  
5 of each ~~and every~~ year, or oftener if called for by the  
6 Governor, the Chief Financial Officer ~~Comptroller~~ shall make a  
7 full report of all his or her official acts and proceedings  
8 for the last fiscal year to the Governor, to be laid before  
9 the Legislature with the Governor's message, and shall make  
10 such further report as the constitution requires ~~may require~~.

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

13 17.20 Assignment of claims for collection.--

14 (1) The Department of Banking and Insurance ~~Finance~~  
15 shall charge the state attorneys with the collection of all  
16 claims that are placed in their hands for collection of money  
17 or property for the state or any county or special district,  
18 or that it otherwise requires them to collect. The charges  
19 are evidence of indebtedness of a state attorney against whom  
20 any charge is made for the full amount of the claim, until the  
21 charges have been collected and paid into the treasury of the  
22 state or of the county or special district or the legal  
23 remedies of the state have been exhausted, or until the state  
24 attorney demonstrates to the department that the failure to  
25 collect the charges is not due to negligence and the  
26 department has made a proper entry of satisfaction of the  
27 charge against the state attorney.

28 (2) The department may assign the collection of any  
29 claim to a collection agent who is registered and in good  
30 standing pursuant to chapter 559, if the department determines  
31 the assignation to be cost-effective. The department may pay

1 an agent from any amount collected under the claim a fee that  
2 the department and the agent have agreed upon; may authorize  
3 the agent to deduct the fee from the amount collected; may  
4 require the appropriate state agency, county, or special  
5 district to pay the agent the fee from any amount collected by  
6 the agent on its behalf; or may authorize the agent to add the  
7 fee to the amount to be collected.

8 (3) Notwithstanding any other provision of law, in any  
9 contract providing for the location or collection of unclaimed  
10 property, the department may authorize the contractor to  
11 deduct its fees and expenses for services provided under the  
12 contract from the unclaimed property that the contractor has  
13 recovered or collected under the contract. The department  
14 shall annually report to the Governor, the President of the  
15 Senate, and the Speaker of the House of Representatives the  
16 total amount collected or recovered by each contractor during  
17 the previous fiscal year and the total fees and expenses  
18 deducted by each contractor.

19 Section 24. Section 17.21, Florida Statutes, is  
20 amended to read:

21 17.21 Not to allow any claim of state attorney against  
22 state until report made.--The Chief Financial Officer  
23 ~~Comptroller~~ shall not audit or allow any claim that ~~which~~ any  
24 state attorney may have against the state for services who  
25 fails shall fail to make any report that ~~which~~ by law the  
26 state attorney is required to make to the Chief Financial  
27 Officer ~~Comptroller~~ of claims of the state which it is his or  
28 her duty to collect.

29 Section 25. Section 17.22, Florida Statutes, is  
30 amended to read:

31

1           17.22 Notice to Department of Legal Affairs.--Whenever  
2 the Department of Banking and Insurance ~~Finance~~ forwards any  
3 bond or account or claim for suit to any state attorney, it  
4 shall advise the Department of Legal Affairs of the fact,  
5 giving it the amount of the claim and other necessary  
6 particulars for its full information upon the subject.

7           Section 26. Section 17.25, Florida Statutes, is  
8 amended to read:

9           17.25 May certify copies.--The Chief Financial Officer  
10 ~~Comptroller~~ of this state may certify, under his or her seal  
11 of office, copies of any record, paper, or document, by law  
12 placed in the Chief Financial Officer's ~~Comptroller's~~ custody,  
13 keeping, and care; and such certified copy shall have the same  
14 force and effect as evidence as the original would have.

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

17           17.26 Cancellation of state warrants not presented  
18 within 1 year.--

19           (1) If any state warrant issued by the Chief Financial  
20 Officer ~~Comptroller~~ against any fund in the State Treasury is  
21 not presented for payment within 1 year after the last day of  
22 the month in which it was originally issued, the Chief  
23 Financial Officer ~~Comptroller~~ may cancel the warrant and  
24 credit the amount of the warrant to the fund upon which it is  
25 drawn. If the warrant so canceled was issued against a fund  
26 that is no longer operative, the amount of the warrant shall  
27 be credited to the General Revenue Fund. The Chief Financial  
28 Officer ~~Treasurer~~ shall not honor any state warrant after it  
29 has been canceled.

30           (2) The funds represented by a warrant canceled under  
31 subsection (1) are presumed abandoned by the payee or person

1 entitled to the warrant and shall be reported and remitted as  
2 unclaimed property under s. 717.117, except that written  
3 notice to the apparent owner of the unclaimed property is not  
4 required before filing of the report. An action may not be  
5 commenced thereafter for recovery of funds represented by the  
6 warrant, except as provided by chapter 717. This subsection  
7 applies to all warrants issued on or after July 1, 1992.

8 (3) When a warrant canceled under subsection (1)  
9 represents funds that are in whole or in part derived from  
10 federal contributions and disposition of the funds under  
11 chapter 717 would cause a loss of the federal contributions,  
12 the Governor shall certify to the Chief Financial Officer  
13 ~~Comptroller~~ that funds represented by such warrants are for  
14 that reason exempt from treatment as unclaimed property.  
15 Obligations represented by warrants 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 to ~~may deem~~ no  
16 longer require preservation, ~~necessary to preserve~~ in  
17 accordance with retention schedules and destruction notices  
18 established under rules of the Division of Library and  
19 Information Services, records and information management  
20 program, of the Department of State. Such schedules and  
21 notices relating to financial records of the department shall  
22 be subject to the approval of 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 may ~~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 that ~~which~~ do not require the issuance of  
31 a 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 Tobacco Settlement  
12 Clearing Trust Fund shall consist of payments received by the  
13 state from settlement of State of Florida v. American Tobacco  
14 Co., No. 95-1466AH (Fla. 15th Cir. Ct. 1996). Moneys received  
15 from the settlement and deposited into the trust fund are  
16 exempt from the service charges imposed under s. 215.20.

17           (3)(a) Subject to approval of the Legislature, all or  
18 any portion of the state's right, title, and interest in and  
19 to the tobacco settlement agreement may be sold to the Tobacco  
20 Settlement Financing Corporation created pursuant to s.  
21 215.56005. Any such sale shall be a true sale and not a  
22 borrowing.

23           (b) Any moneys received by the state pursuant to any  
24 residual interest retained in the tobacco settlement agreement  
25 or the payments to be made under the tobacco settlement  
26 agreement shall be deposited into the Tobacco Settlement  
27 Clearing Trust Fund.

28           (4) Net proceeds of the sale of the tobacco settlement  
29 agreement received by the state shall be immediately deposited  
30 into the Lawton Chiles Endowment Fund, created in s. 215.5601,  
31 without deposit to the Tobacco Settlement Clearing Trust Fund.

1           (5) The department shall disburse funds, by  
2 nonoperating transfer, from the Tobacco Settlement Clearing  
3 Trust Fund to the tobacco settlement trust funds of the  
4 various agencies in amounts equal to the annual appropriations  
5 made from those agencies' trust funds in the General  
6 Appropriations Act.

7           (6) Pursuant to the provisions of s. 19(f)(3), Art.  
8 III of the State Constitution, the Tobacco Settlement Clearing  
9 Trust Fund is exempt from the termination provisions of s.  
10 19(f)(2), Art. III of the State Constitution.

11           Section 35. Section 17.43, Florida Statutes, is  
12 amended to read:

13           17.43 Chief Financial Officer's ~~Comptroller's~~ Federal  
14 Equitable Sharing Trust Fund.--

15           (1) The Chief Financial Officer's ~~Comptroller's~~  
16 Federal Equitable Sharing Trust Fund is created within the  
17 Department of Banking and Insurance ~~Finance~~. The department  
18 may deposit into the trust fund receipts and revenues received  
19 as a result of federal criminal, administrative, or civil  
20 forfeiture proceedings and receipts and revenues received from  
21 federal asset-sharing programs. The trust fund is exempt from  
22 the service charges imposed by s. 215.20.

23           (2) Notwithstanding the provisions of s. 216.301 and  
24 pursuant to s. 216.351, any balance in the trust fund at the  
25 end of any fiscal year shall remain in the trust fund at the  
26 end of the year and shall be available for carrying out the  
27 purposes of the trust fund.

28           Section 36. Section 18.01, Florida Statutes, is  
29 transferred, renumbered as section 17.44, Florida Statutes,  
30 and amended to read:

31

1           17.44 ~~18.01~~ Oath and certificate of Chief Financial  
2 Officer Treasurer.--The Chief Financial Officer Treasurer  
3 shall, within 10 days before he or she enters upon the duties  
4 of office, take and subscribe an oath or affirmation  
5 faithfully to discharge the duties of office, which oath or  
6 affirmation must be deposited with the custodian of state  
7 records Department of State. The Chief Financial Officer  
8 Treasurer shall also file with the custodian of state records  
9 Department of State a certificate from the retiring Chief  
10 Financial Officer Comptroller attesting that the retiring  
11 Chief Financial Officer Treasurer has turned over vouchers for  
12 all payments made as required by law, and that the Chief  
13 Financial Officer's Treasurer's account has been truly  
14 credited with the same, and that he or she has filed receipts  
15 from his or her successor for all vouchers paid since the end  
16 of the last quarter, and for balance of cash, and for all  
17 bonds and other securities held by the Chief Financial Officer  
18 Treasurer as such, and a certificate from each board of which  
19 he or she is made by law ex officio treasurer, that he or she  
20 has satisfactorily accounted to such board as its treasurer.

21           Section 37. Section 18.02, Florida Statutes, is  
22 transferred, renumbered as section 17.45, Florida Statutes,  
23 and amended to read:

24           17.45 ~~18.02~~ Moneys paid on warrants.--The Chief  
25 Financial Officer Treasurer shall pay all warrants drawn on  
26 the treasury ~~drawn by the Comptroller~~ and other orders ~~by the~~  
27 ~~Comptroller~~ for the disbursement of state funds by electronic  
28 means or by means of a magnetic tape or any other transfer  
29 medium. No moneys shall be paid out of the treasury except on  
30 such warrants or other orders of the Chief Financial Officer  
31 Comptroller.

1           Section 38. Section 18.021, Florida Statutes, is  
2 transferred, renumbered as section 17.46, Florida Statutes,  
3 and amended to read:

4           17.46 ~~18.021~~ Chief Financial Officer ~~Treasurer~~ to  
5 operate personal check-cashing service.--

6           (1) The Chief Financial Officer ~~Treasurer~~ is  
7 authorized to operate a personal check-cashing service or a  
8 remote financial service unit at the capitol for the benefit  
9 of state employees or other responsible persons who properly  
10 identify themselves.

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

18           Section 39. Section 18.06, Florida Statutes, is  
19 transferred, renumbered as section 17.47, Florida Statutes,  
20 and amended to read:

21           17.47 ~~18.06~~ Examination by and monthly statements to  
22 the Governor.--~~The office of the Treasurer of this state, and~~  
23 ~~the books, files, documents, records, and papers thereof,~~  
24 ~~shall always be subject to the examination of the Governor of~~  
25 ~~the state, or any person he or she may authorize to examine~~  
26 ~~same.~~ The Chief Financial Officer ~~Treasurer~~ shall exhibit to  
27 the Governor monthly a trial balance sheet from his or her  
28 books and a statement of all the credits, moneys, or effects  
29 on hand on the day for which the ~~said~~ trial balance sheet is  
30 made, and the ~~said~~ statement accompanying the ~~said~~ trial  
31 balance sheet shall particularly describe the exact character

1 of funds, credits, and securities, and shall state in detail  
2 the amount that ~~which~~ he or she may have representing cash,  
3 including any not yet entered upon the books of his or her  
4 office, and shall certify and sign the statement ~~such~~  
5 ~~statement shall be certified and signed by the Treasurer~~  
6 ~~officially.~~

7 Section 40. Section 18.07, Florida Statutes, is  
8 transferred, renumbered as section 17.48, F.S. and amended to  
9 read:

10 17.48 ~~18.07~~ Chief Financial Officer ~~Treasurer~~ to keep  
11 record of warrants and of state funds and securities.--The  
12 Chief Financial Officer ~~Treasurer~~ shall keep a record of the  
13 warrants or other orders that ~~of the Comptroller which~~ the  
14 Chief Financial Officer ~~Treasurer~~ pays and shall account for  
15 all state funds and securities.

16 Section 41. Section 18.091, Florida Statutes, is  
17 transferred, renumbered as section 17.49, Florida Statutes,  
18 and amended to read:

19 17.49 ~~18.091~~ Legislative sessions; additional  
20 employees.--

21 (1) ~~Whenever Hereafter during any period of time~~ the  
22 Legislature is ~~of Florida may be~~ in actual session, the Chief  
23 Financial Officer ~~Treasurer~~ is empowered to employ additional  
24 persons to assist in performing the services required of the  
25 Chief Financial Officer ~~Treasurer~~ in connection with s.  
26 18.021(1). The salary ~~salaries~~ to be paid to such an employee  
27 ~~employees~~ of the Chief Financial Officer ~~Treasurer~~ shall not  
28 exceed ~~be in excess of~~ the highest salary paid by the House of  
29 Representatives or the ~~state~~ Senate for secretarial services;  
30 and the salaries for such ~~said~~ employees shall begin with the  
31 convening of the Legislature in session and shall continue for



1 not more than 7 days after the close of the legislative  
2 session; however, provided, ~~that~~ recesses of the Legislature  
3 not in excess of 3 days shall be considered as time during  
4 which the Legislature is actually in session.

5 (2) In addition to the regular annual appropriations  
6 for the Chief Financial Officer ~~Treasurer~~, there is hereby  
7 appropriated for use of the Chief Financial Officer ~~Treasurer~~  
8 from the General Revenue Fund, from time to time as necessary,  
9 sufficient sums to pay the salaries of the above-described  
10 employees of the Chief Financial Officer ~~Treasurer~~.

11 Section 42. Section 18.10, Florida Statutes, is  
12 transferred, renumbered as section 17.50, Florida Statutes,  
13 and amended to read:

14 17.50 ~~18.10~~ Deposits and investments of state money.--

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

25 (2) The Chief Financial Officer ~~Treasurer~~ shall make  
26 funds available to meet the disbursement needs of the state.  
27 Funds that ~~which~~ are not needed for this purpose shall be  
28 placed in qualified public depositories that will pay rates  
29 established by the Chief Financial Officer ~~Treasurer~~ at levels  
30 not less than the prevailing rate for United States Treasury  
31 securities with a corresponding maturity. If ~~In the event~~

1 money is available for interest-bearing time deposits or  
2 savings accounts ~~as provided herein~~ and qualified public  
3 depositories are unwilling to accept such money and pay  
4 thereon the rates required ~~established above~~, then such money  
5 as ~~which~~ qualified public depositories are unwilling to accept  
6 shall be invested in:

- 7 (a) Direct United States Treasury obligations.  
8 (b) Obligations of the Federal Farm Credit Banks.  
9 (c) Obligations of the Federal Home Loan Bank and its  
10 district banks.  
11 (d) Obligations of the Federal Home Loan Mortgage  
12 Corporation, including participation certificates.  
13 (e) Obligations guaranteed by the Government National  
14 Mortgage Association.  
15 (f) Obligations of the Federal National Mortgage  
16 Association.  
17 (g) Commercial paper of prime quality of the highest  
18 letter and numerical rating as provided for by at least one  
19 nationally recognized rating service.  
20 (h) Time drafts or bills of exchange drawn on and  
21 accepted by a commercial bank, otherwise known as "bankers  
22 acceptances," which are accepted by a member bank of the  
23 Federal Reserve System having total deposits of not less than  
24 \$400 million or which are accepted by a commercial bank which  
25 is not a member of the Federal Reserve System with deposits of  
26 not less than \$400 million and which is licensed by a state  
27 government or the Federal Government, and whose senior debt  
28 issues are rated in one of the two highest rating categories  
29 by a nationally recognized rating service and which are held  
30 in custody by a domestic bank which is a member of the Federal  
31 Reserve System.

1           (i) Corporate obligations or corporate master notes of  
2 any corporation within the United States, if the long-term  
3 obligations of such corporation are rated by at least two  
4 nationally recognized rating services in any one of the four  
5 highest classifications. However, if such obligations are  
6 rated by only one nationally recognized rating service, ~~then~~  
7 the obligations must ~~shall~~ be rated in any one of the two  
8 highest classifications.

9           (j) Obligations of the Student Loan Marketing  
10 Association.

11           (k) Obligations of the Resolution Funding Corporation.

12           (l) Asset-backed or mortgage-backed securities of the  
13 highest credit quality.

14           (m) Any obligations not previously listed which are  
15 guaranteed as to principal and interest by the full faith and  
16 credit of the United States Government or are obligations of  
17 United States agencies or instrumentalities which are rated in  
18 the highest category by a nationally recognized rating  
19 service.

20           (n) Commingled no-load investment funds or no-load  
21 mutual funds in which all securities held by the funds are  
22 authorized in this subsection.

23           (o) Money market mutual funds as defined and regulated  
24 by the Securities and Exchange Commission.

25           (p) Obligations of state and local governments rated  
26 in any of the four highest classifications by at least two  
27 nationally recognized rating services. However, if such  
28 obligations are rated by only one nationally recognized rating  
29 service, then the obligations shall be rated in any one of the  
30 two highest classifications.

31

1           (q) Derivatives of investment instruments authorized  
2 in paragraphs (a) through (m).

3           (r) Covered put and call options on investment  
4 instruments authorized in this subsection for the purpose of  
5 hedging transactions by investment managers to mitigate risk  
6 or to facilitate portfolio management.

7           (s) Negotiable certificates of deposit issued by  
8 financial institutions whose long-term debt is rated in one of  
9 the three highest categories by at least two nationally  
10 recognized rating services, the investment in which shall not  
11 be prohibited by any provision of chapter 280.

12           (t) Foreign bonds denominated in United States dollars  
13 and registered with the Securities and Exchange Commission for  
14 sale in the United States, if the long-term obligations of  
15 such issuers are rated by at least two nationally recognized  
16 rating services in any one of the four highest  
17 classifications. However, if such obligations are rated by  
18 only one nationally recognized rating service, the obligations  
19 must ~~shall~~ be rated in any one of the two highest  
20 classifications.

21           (u) Convertible debt obligations of any corporation  
22 domiciled within the United States, if the convertible debt  
23 issue is rated by at least two nationally recognized rating  
24 services in any one of the four highest classifications.  
25 However, if such obligations are rated by only one nationally  
26 recognized rating service, ~~then~~ the obligations must ~~shall~~ be  
27 rated in any one of the two highest classifications.

28           (v) Securities not otherwise described in this  
29 subsection. However, not more than 3 percent of the funds  
30 under the control of the Treasurer shall be invested in  
31 securities described in this paragraph.

1  
2 These investments may be in varying maturities and may be in  
3 book-entry form. Investments made pursuant to this subsection  
4 may be under repurchase agreement. The Chief Financial Officer  
5 ~~Treasurer~~ is authorized to hire registered investment advisers  
6 and other consultants to assist in investment management and  
7 to pay fees directly from investment earnings. Investment  
8 securities, proprietary investment services related to  
9 contracts, performance evaluation services, investment-related  
10 equipment or software used directly to assist investment  
11 trading or investment accounting operations including bond  
12 calculators, telerates, Bloombergs, special program  
13 calculators, intercom systems, and software used in  
14 accounting, communications, and trading, and advisory and  
15 consulting contracts made under this section are exempt from  
16 the provisions of chapter 287.

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

28 (4) All earnings on any investments made pursuant to  
29 this section shall be credited to the General Revenue Fund,  
30 except that earnings attributable to moneys made available  
31

1 pursuant to s. 17.54(3)~~s. 18.125(3)~~ shall be credited pro  
2 rata to the funds from which such moneys were made available.

3 (5) The fact that a municipal officer or a state  
4 officer, including an officer of any municipal or state  
5 agency, board, bureau, commission, institution, or department,  
6 is a stockholder or an officer or director of a bank or  
7 savings and loan association does ~~will~~ not bar such bank or  
8 savings and loan association from being a depository of funds  
9 coming under the jurisdiction of any such municipal officer or  
10 state officer if it appears ~~shall appear~~ in the records of the  
11 municipal or state office that the governing body of such  
12 municipality or state agency has investigated and determined  
13 that such municipal or state officer is not favoring such  
14 banks or savings and loan associations over other qualified  
15 banks or savings and loan associations.

16 (6) The Chief Financial Officer ~~Treasurer~~ is  
17 designated the cash management officer for the state and is  
18 charged with the coordination and supervision of procedures  
19 providing for the efficient handling of financial assets under  
20 the control of the State Treasury and each of the various  
21 state agencies, and of the judicial branch, as defined in s.  
22 216.011. This responsibility includes ~~shall include~~ the  
23 supervision and approval of all banking relationships.  
24 Pursuant to this responsibility, the Chief Financial Officer  
25 ~~Treasurer~~ is authorized to obtain information from financial  
26 institutions regarding depository accounts maintained by any  
27 agency or institution of the State of Florida.

28 Section 43. Section 18.101, Florida Statutes, is  
29 transferred, renumbered as section 17.51, Florida Statutes,  
30 and amended to read:

31

1           17.51 ~~18.101~~ Deposits of public money outside the  
2 State Treasury; revolving funds.--

3           (1) All moneys collected by state agencies, boards,  
4 bureaus, commissions, institutions, and departments shall,  
5 except as otherwise provided by law, be deposited in the State  
6 Treasury. However, when the volume and complexity of  
7 collections so justify, the Chief Financial Officer ~~Treasurer~~  
8 may give written approval for such moneys to be deposited in  
9 clearing accounts outside the State Treasury in qualified  
10 public depositories pursuant to chapter 280. Such deposits  
11 shall ~~only~~ be made only in depositories designated by the  
12 Chief Financial Officer ~~Treasurer~~. No money may be maintained  
13 in such clearing accounts for a period longer than approved by  
14 the Chief Financial Officer ~~Treasurer~~ or 40 days, whichever is  
15 shorter, prior to its being transmitted to the Chief Financial  
16 Officer ~~Treasurer~~ or to an account designated by him or her,  
17 distributed to a statutorily authorized account outside the  
18 State Treasury, refunded, or transmitted to the Department of  
19 Revenue. All depositories so designated shall pledge  
20 sufficient collateral to constitute ~~be~~ security for such funds  
21 as provided in chapter 280.

22           (2) Revolving funds authorized by the Chief Financial  
23 Officer ~~Comptroller~~ for all state agencies, boards, bureaus,  
24 commissions, institutions, and departments may be deposited by  
25 such agencies, boards, bureaus, commissions, institutions, and  
26 departments in qualified public depositories designated by the  
27 Chief Financial Officer ~~Treasurer~~ for such revolving fund  
28 deposits; and the depositories in which such deposits are made  
29 must ~~shall~~ pledge collateral security as provided in chapter  
30 280.

31

1           (3) Notwithstanding the foregoing provisions, clearing  
2 and revolving accounts may be established outside the state  
3 when necessary to facilitate the authorized operations of any  
4 agency, board, bureau, commission, institution, or department.  
5 Any ~~of such account accounts~~ established in the United States  
6 ~~is shall be~~ subject to the collateral security requirements of  
7 chapter 280. Accounts established outside the United States  
8 may be exempted from the requirements of chapter 280 as  
9 provided in chapter 280; but before any unsecured account is  
10 established, the agency requesting or maintaining the account  
11 ~~must shall~~ recommend a financial institution to the Chief  
12 Financial Officer ~~Treasurer~~ for designation to hold the  
13 account and ~~must shall~~ submit evidence of the financial  
14 condition, size, reputation, and relative prominence of the  
15 institution from which the Chief Financial Officer ~~Treasurer~~  
16 can reasonably conclude that the institution is financially  
17 sound before designating it to hold the account.

18           (4) Each department ~~must shall~~ furnish a statement to  
19 the Chief Financial Officer ~~Treasurer~~, on or before the 20th  
20 of the month following the end of each calendar quarter,  
21 listing each clearing account and revolving fund within that  
22 department's jurisdiction. Such statement shall report, as of  
23 the last day of the calendar quarter, the cash balance in each  
24 revolving fund and that portion of the cash balance in each  
25 clearing account that will eventually be deposited to the  
26 State Treasury as provided by law. The Chief Financial  
27 Officer ~~Treasurer~~ shall show the sum total of state funds in  
28 clearing accounts and revolving funds, as most recently  
29 reported to the Chief Financial Officer ~~Treasurer~~ by various  
30 departments, in his or her monthly statement to the Governor,  
31 pursuant to s. 18.06.



1           Section 44. Section 18.103, Florida Statutes, is  
2 transferred, renumbered as section 17.52, Florida Statutes,  
3 and amended to read:

4           17.52 ~~18.103~~ Safekeeping services of Chief Financial  
5 Officer ~~Treasurer~~.--

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

11           (2) The Chief Financial Officer ~~Treasurer~~ may, in his  
12 or her discretion, establish a fee for processing, servicing,  
13 and safekeeping deposits and other documents or articles of  
14 value held in the Chief Financial Officer's ~~Treasurer's~~ vaults  
15 as requested by the various entities or as provided for by  
16 law. Such fee shall be equivalent to the fee charged by  
17 financial institutions for processing, servicing, and  
18 safekeeping the same types of deposits and other documents or  
19 articles of value.

20           (3) The Chief Financial Officer ~~Treasurer~~ shall  
21 collect in advance, and persons so served shall pay to the  
22 Chief Financial Officer ~~Treasurer~~ in advance, the  
23 miscellaneous charges as follows:

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

26           (b) For each certificate of the Chief Financial  
27 Officer ~~Treasurer~~, certified or under the Chief Financial  
28 Officer's ~~Treasurer's~~ seal, authenticating any document or  
29 other instrument.....\$.50.

30           (4) All fees collected for the services described in  
31 this section shall be deposited in the Chief Financial

1 Officer's ~~Treasurer's~~ Administrative and Investment Trust  
2 Fund.

3 Section 45. Section 18.104, Florida Statutes, is  
4 transferred, renumbered as section 17.53, Florida Statutes,  
5 and amended to read:

6 17.53 ~~18.104~~ Treasury Cash Deposit Trust Fund.--

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

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

12 Section 46. Section 18.125, Florida Statutes, is  
13 transferred, renumbered as section 17.54, Florida Statutes,  
14 and amended to read:

15 17.54 ~~18.125~~ Chief Financial Officer ~~Treasurer~~; powers  
16 and duties in the investment of certain funds.--

17 (1) The Chief Financial Officer ~~Treasurer~~, acting with  
18 the approval of a majority of the State Board of  
19 Administration, shall invest all general revenue funds and all  
20 the trust funds and all agency funds of each state agency, and  
21 of the judicial branch, as defined in s. 216.011, and may,  
22 upon request, invest funds of any statutorily created board,  
23 association, or entity, except for the funds required to be  
24 invested pursuant to ss. 215.44-215.53, by the procedure and  
25 in the authorized securities prescribed in s. 17.50 ~~s. 18.10~~;  
26 for this purpose, the Chief Financial Officer ~~Treasurer~~ shall  
27 be authorized to open and maintain one or more demand and  
28 safekeeping accounts in any bank or savings association for  
29 the investment and reinvestment and the purchase, sale, and  
30 exchange of funds and securities in the accounts. Funds in  
31 such accounts used solely for investments and reinvestments

1 shall be considered investment funds and not funds on deposit,  
2 and such funds shall be exempt from the provisions of chapter  
3 280. In addition, the securities or investments purchased or  
4 held under the provisions of this section and s. 17.50 ~~s.~~  
5 ~~18.10~~ may be loaned to securities dealers and banks and may be  
6 registered by the Chief Financial Officer ~~Treasurer~~ in the  
7 name of a third-party nominee in order to facilitate such  
8 loans, provided the loan is collateralized by cash or United  
9 States government securities having a market value of at least  
10 100 percent of the market value of the securities loaned. The  
11 Chief Financial Officer ~~Treasurer~~ shall keep a separate  
12 account, designated by name and number, of each fund.  
13 Individual transactions and totals of all investments, or the  
14 share belonging to each fund, shall be recorded in the  
15 accounts.

16 (2) By and with the consent and approval of any  
17 constitutional board, the judicial branch, or agency ~~now~~  
18 having the constitutional power to make investments and in  
19 accordance with this section, the Chief Financial Officer  
20 ~~Treasurer~~ shall have the power to make purchases, sales,  
21 exchanges, investments, and reinvestments for and on behalf of  
22 any such board.

23 (3)(a) It is the duty of each state agency, and of the  
24 judicial branch, now or hereafter charged with the  
25 administration of the funds referred to in subsection (1) to  
26 make such moneys available for investment as fully as is  
27 consistent with the cash requirements of the particular fund  
28 and to authorize investment of such moneys by the Chief  
29 Financial Officer ~~Treasurer~~.

30 (b) Monthly, and more often as circumstances require,  
31 such agency or judicial branch shall notify the Chief

1 Financial Officer ~~Treasurer~~ of the amount available for  
2 investment; and the moneys shall be invested by the Chief  
3 Financial Officer ~~Treasurer~~. Such notification shall include  
4 the name and number of the fund for which the investments are  
5 to be made and the life of the investment if the principal sum  
6 is to be required for meeting obligations. This subsection,  
7 however, shall not be construed to make available for  
8 investment any funds other than those referred to in  
9 subsection (1).

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

13 (b) The Chief Financial Officer ~~Treasurer~~ shall make  
14 an annual assessment of 0.12 percent against the average daily  
15 balance of those moneys made available pursuant to this  
16 section and 0.2 percent against the average daily balance of  
17 those funds requiring investment in a separate account. The  
18 proceeds of this assessment shall be deposited in the Chief  
19 Financial Officer's ~~Treasurer's~~ Administrative and Investment  
20 Trust Fund.

21 (c) The moneys so received and deposited in the fund  
22 shall be used by the Chief Financial Officer ~~Treasurer~~ to  
23 defray the expense of his or her office in the discharge of  
24 the administrative and investment powers and duties prescribed  
25 by this section and this chapter, including the maintaining of  
26 an office and necessary supplies therefor, essential equipment  
27 and other materials, salaries and expenses of required  
28 personnel, and all other legitimate expenses relating to the  
29 administrative and investment powers and duties imposed upon  
30 and charged to the Chief Financial Officer ~~Treasurer~~ under  
31 this section and this chapter. The unencumbered balance in the

1 trust fund at the close of each quarter may ~~shall~~ not exceed  
2 \$750,000. Any funds in excess of this amount shall be  
3 transferred unallocated to the General Revenue Fund. However,  
4 fees received from deferred compensation participants pursuant  
5 to s. 112.215 shall not be transferred to the General Revenue  
6 Fund and shall be used to operate the deferred compensation  
7 program.

8 (5) The transfer of the powers, duties, and  
9 responsibilities of existing state agencies and of the  
10 judicial branch made by this section to the Chief Financial  
11 Officer ~~includes Treasurer shall include~~ only the particular  
12 powers, duties, and responsibilities hereby transferred, and  
13 all other existing powers are ~~shall~~ in no way ~~be~~ affected by  
14 this section.

15 Section 47. Section 18.15, Florida Statutes, is  
16 transferred, renumbered as section 17.55, Florida Statutes,  
17 and amended to read:

18 17.55 ~~18.15~~ Interest on state moneys deposited; when  
19 paid.--Interest on state moneys deposited in qualified public  
20 depositories under s. 17.50 ~~is s. 18.10~~ ~~shall be~~ payable to  
21 the Chief Financial Officer ~~Treasurer~~ quarterly or  
22 semiannually.

23 Section 48. Section 18.17, Florida Statutes, is  
24 transferred, renumbered as section 17.56, Florida Statutes,  
25 and amended to read:

26 17.56 ~~18.17~~ Chief Financial Officer ~~Treasurer~~ not to  
27 issue evidences of indebtedness.--It is not lawful for the  
28 Chief Financial Officer ~~Treasurer~~ ~~of this state~~ to issue any  
29 treasury certificates, or any other evidences of indebtedness,  
30 for any purpose whatever, and the Chief Financial Officer  
31 ~~Treasurer~~ is prohibited from issuing the same.

1           Section 49. Section 18.20, Florida Statutes, is  
2 transferred, renumbered as section 18.57, Florida Statutes,  
3 and amended to read:

4           17.57 ~~18.20~~ Chief Financial Officer ~~Treasurer~~ to make  
5 reproductions of certain warrants, records, and documents.--

6           (1) All vouchers or checks heretofore or hereafter  
7 drawn by appropriate court officials of the several counties  
8 of the state against money deposited with the Chief Financial  
9 Officer ~~Treasurer~~ under the provisions of s. 43.17, and paid  
10 by the Chief Financial Officer ~~Treasurer~~, may be photographed,  
11 microphotographed, or reproduced on film by the Chief  
12 Financial Officer ~~Treasurer~~. Such photographic film must  
13 ~~shall~~ be durable material, and the device used to ~~so~~ reproduce  
14 such warrants, vouchers, or checks must ~~shall~~ be one that  
15 ~~which~~ accurately reproduces the originals ~~thereof~~ in all  
16 detail. ~~and~~ Such photographs, microphotographs, or  
17 reproductions on film must ~~shall~~ be placed in conveniently  
18 accessible and identified files and must ~~shall~~ be preserved by  
19 the Chief Financial Officer ~~Treasurer~~ as a part of the  
20 permanent records of his or her office. When any such  
21 warrants, vouchers, or checks have been so photographed,  
22 microphotographed, or reproduced on film, and the photographs,  
23 microphotographs, or reproductions on film ~~thereof~~ have been  
24 placed in files as a part of the permanent records of the  
25 office of the Chief Financial Officer ~~Treasurer as aforesaid,~~  
26 he or she ~~the Treasurer~~ is authorized to return such warrants,  
27 vouchers, or checks to the offices of the respective county  
28 officials who drew them, ~~the same~~ and such warrants, vouchers,  
29 or checks shall be retained and preserved in the ~~such~~ offices  
30 to which they have been returned as a part of the permanent  
31 records of those ~~such~~ offices.

1           (2) Such photographs, microphotographs, or  
2 reproductions on film of ~~said~~ warrants, vouchers, or checks  
3 shall be deemed to be original records for all purposes; and  
4 any copy or reproduction ~~thereof~~ made from the such original  
5 film, duly certified by the Chief Financial Officer ~~Treasurer~~  
6 as a true and correct copy or reproduction made from such  
7 film, shall be considered ~~deemed to be~~ a transcript,  
8 exemplification, or certified copy of the original warrant,  
9 voucher, or check such copy represents, and shall in all cases  
10 and in all courts and places be admitted and received in  
11 evidence with the same like force and effect as the original  
12 ~~thereof might be~~.

13           (3) The Chief Financial Officer ~~Treasurer~~ is also  
14 ~~hereby~~ authorized to photograph, microphotograph, or reproduce  
15 on film, all records and documents of his or her ~~said~~ office,  
16 as the Chief Financial Officer ~~Treasurer~~ may, ~~in his or her~~  
17 ~~discretion,~~ select; and the said Chief Financial Officer  
18 ~~Treasurer~~ is ~~hereby~~ authorized to destroy any of the ~~said~~  
19 documents or records after they have been photographed and  
20 filed and after audit of the Chief Financial Officer's  
21 ~~Treasurer's~~ office has been completed for the period embracing  
22 the dates of the said documents and records.

23           (4) Photographs or microphotographs in the form of  
24 film or prints of any records made in compliance with the  
25 provisions of this section shall have the same force and  
26 effect as the originals ~~thereof would have,~~ and shall be  
27 treated as originals for the purpose of their admissibility in  
28 evidence. Duly certified or authenticated reproductions of  
29 such photographs or microphotographs shall be admitted in  
30 evidence equally with the original photographs or  
31 microphotographs.

1           Section 50. Section 18.23, Florida Statutes, is  
2 transferred, renumbered as section 17.58, Florida Statutes,  
3 and amended to read:

4           17.58 ~~18.23~~ Chief Financial Officer ~~Treasurer~~ to  
5 prescribe forms.--The Chief Financial Officer ~~Treasurer~~ may  
6 prescribe the forms, and the manner of keeping such forms ~~the~~  
7 ~~same~~, for all receipts, credit advices, abstracts, reports,  
8 and other papers furnished the Chief Financial Officer  
9 ~~Treasurer~~ by the officers of this state or other persons or  
10 entities as a result of their having, or depositing, state  
11 moneys.

12           Section 51. Section 18.24, Florida Statutes, is  
13 transferred, renumbered as section 17.59, Florida Statutes,  
14 and amended to read:

15           17.59 ~~18.24~~ Securities in book-entry form.--Any  
16 security that ~~which~~:

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

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

22           (2)(a) Is held in the name of the State Chief  
23 Financial Officer ~~Treasurer~~ or in the name of the State  
24 Insurance Commissioner; or

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

27  
28 under any state law for any purpose whatsoever, may be held in  
29 book-entry form on the books of the Federal Reserve Book-Entry  
30 System or on deposit in a depository trust clearing system.

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Section 52. Sections 18.03, 18.05, 18.08, 18.09, 18.22, 20.12, and 20.13, Florida Statutes, are repealed.

Section 53. If any law that is amended by this act was also amended by a law enacted at the 2002 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect should be given to each if that is possible.

Section 54. This act shall take effect January 7, 2003.

\*\*\*\*\*

SENATE SUMMARY

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. Abolishes the Department of Insurance and the Department of Banking and Finance.