



HB 1015

2003

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

A reviser's bill to be entitled  
 An act relating to the Florida Statutes; amending ss.  
 11.90, 61.13, 83.03, 211.31, 288.1222, and 350.115, F.S.;  
 and repealing s. 408.0015, F.S.; pursuant to s. 11.242,  
 F.S.; deleting provisions that have expired, have become  
 obsolete, have had their effect, have served their  
 purpose, or have been impliedly repealed or superseded;  
 replacing incorrect cross-references and citations;  
 correcting grammatical, typographical, and like errors;  
 removing inconsistencies, redundancies, and unnecessary  
 repetition in the statutes; and improving the clarity of  
 the statutes and facilitating their correct  
 interpretation.

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

Section 1. Subsection (7) of section 11.90, Florida  
 Statutes, is amended to read:

11.90 Legislative Budget Commission.--

(7) The commission shall review information resources  
 management needs identified in agency long-range program plans  
 for consistency with the State Annual Report on Enterprise  
 Resource Planning and Management and statewide policies adopted  
 by the State Technology Office. The commission shall also  
 review proposed budget amendments associated with information  
 technology that involve more than one agency, that have an  
 outcome that impacts another agency, or that exceed \$500,000 in  
 total cost over a 1-year period.

Reviser's note.--Amended to improve clarity.



HB 1015

2003

31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60

Section 2. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.--

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. Evidence that a parent has been convicted of a felony of the third degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775, or meets the criteria of s. 39.806(1)(d), creates a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, may not be granted to the convicted parent. However, the convicted parent is not relieved of any obligation to provide financial support.



HB 1015

2003

61 If the court determines that shared parental responsibility  
62 would be detrimental to the child, it may order sole parental  
63 responsibility and make such arrangements for visitation as will  
64 best protect the child or abused spouse from further harm.  
65 Whether or not there is a conviction of any offense of domestic  
66 violence or child abuse or the existence of an injunction for  
67 protection against domestic violence, the court shall consider  
68 evidence of domestic violence or child abuse as evidence of  
69 detriment to the child.

70 a. In ordering shared parental responsibility, the court  
71 may consider the expressed desires of the parents and may grant  
72 to one party the ultimate responsibility over specific aspects  
73 of the child's welfare or may divide those responsibilities  
74 between the parties based on the best interests of the child.  
75 Areas of responsibility may include primary residence,  
76 education, medical and dental care, and any other  
77 responsibilities that the court finds unique to a particular  
78 family.

79 b. The court shall order "sole parental responsibility,  
80 with or without visitation rights, to the other parent when it  
81 is in the best interests of" the minor child.

82 c. The court may award the grandparents visitation rights  
83 with a minor child if it is in the child's best interest.  
84 Grandparents have legal standing to seek judicial enforcement of  
85 such an award. This section does not require that grandparents  
86 be made parties or given notice of dissolution pleadings or  
87 proceedings, ~~nor do grandparents have legal standing as~~  
88 ~~"contestants" as defined in s. 61.1306.~~ A court may not order  
89 that a child be kept within the state or jurisdiction of the



HB 1015

2003

90 court solely for the purpose of permitting visitation by the  
91 grandparents.

92 3. Access to records and information pertaining to a minor  
93 child, including, but not limited to, medical, dental, and  
94 school records, may not be denied to a parent because the parent  
95 is not the child's primary residential parent. Full rights under  
96 this subparagraph apply to either parent unless a court order  
97 specifically revokes these rights, including any restrictions on  
98 these rights as provided in a domestic violence injunction. A  
99 parent having rights under this subparagraph has the same rights  
100 upon request as to form, substance, and manner of access as are  
101 available to the other parent of a child, including, without  
102 limitation, the right to in-person communication with medical,  
103 dental, and education providers.

104  
105 Reviser's note.--Amended to delete a provision that  
106 has served its purpose. Section 61.1306 was repealed  
107 by s. 7, ch. 2002-65, Laws of Florida.

108  
109 Section 3. Subsection (1) of section 83.03, Florida  
110 Statutes, is amended to read:

111 83.03 Termination of tenancy at will; length of notice.--A  
112 tenancy at will may be terminated by either party giving notice  
113 as follows:

114 (1) Where the tenancy is from year to year, by giving not  
115 less than 3 months' notice prior to the end of any annual  
116 period;

117  
118 Reviser's note.--Amended to improve clarity.

119



HB 1015

2003

120 Section 4. Subsection (1) of section 211.31, Florida  
121 Statutes, is amended to read:

122 211.31 Levy of tax on severance of certain solid minerals;  
123 rate, basis, and distribution of tax.--

124 (1) There is hereby levied, to be collected as provided  
125 herein, an excise tax upon every person engaging in the business  
126 of severing solid minerals, except phosphate rock and heavy  
127 minerals, from the soils and waters of this state for commercial  
128 use. ~~Such tax shall be 5 percent of the value at the point of~~  
129 ~~severance of the identifiable solid minerals severed through~~  
130 ~~June 30, 1995. Beginning July 1, 1995, such tax shall be 6~~  
131 ~~percent of the value at the point of severance of the~~  
132 ~~identifiable solid minerals severed. Beginning July 1, 1996,~~  
133 ~~such tax shall be 7 percent of the value at the point of~~  
134 ~~severance of the identifiable solid minerals severed. Beginning~~  
135 ~~July 1, 1997, and thereafter, Such tax shall be 8 percent of the~~  
136 ~~value at the point of severance of the identifiable solid~~  
137 ~~minerals severed.~~

138 ~~(a) The proceeds of the tax imposed by this section shall~~  
139 ~~be paid into the State Treasury through June 30, 1994, as~~  
140 ~~follows:~~

141 ~~1. Fifty percent to the credit of the General Revenue Fund~~  
142 ~~of the state; and~~

143 ~~2. Fifty percent to the credit of the Land Reclamation~~  
144 ~~Trust Fund established for refunds under the provisions of s.~~  
145 ~~211.32.~~

146  
147 ~~Moneys paid into the Land Reclamation Trust Fund through June~~  
148 ~~30, 1994, shall remain available in that fund for refunds in~~  
149 ~~accordance with the provisions of s. 211.32 until those moneys~~



HB 1015

2003

150 ~~have been so depleted. Lands mined through June 30, 1994, shall~~  
 151 ~~remain eligible for such refunds. The Land Reclamation Trust~~  
 152 ~~Fund is abolished on July 1, 1999.~~

153 ~~(b) Beginning July 1, 1994, the proceeds of the tax~~  
 154 ~~imposed by this section shall be paid into the State Treasury as~~  
 155 ~~follows:~~

156 ~~1. Fifty percent to the credit of the General Revenue Fund~~  
 157 ~~of the state; and~~

158 ~~2. Fifty percent to the credit of the Minerals Trust Fund.~~

159 ~~(c) Beginning July 1, 1995, The proceeds of the tax~~  
 160 ~~imposed by this section shall be paid into the State Treasury as~~  
 161 ~~follows:~~

162 ~~(a)1. Thirty-two percent to the credit of the General~~  
 163 ~~Revenue Fund of the state; and~~

164 ~~(b)2. Sixty-eight percent to the credit of the Minerals~~  
 165 ~~Trust Fund.~~

166  
 167 Reviser's note.--Amended to improve clarity and delete  
 168 obsolete language.

169  
 170 Section 5. Section 288.1222, Florida Statutes, is amended  
 171 to read:

172 288.1222 Definitions.--For the purposes of ss. 288.017,  
 173 288.122-288.1226 ~~288.121-288.1226~~, and 288.124, the term:

174 (1) "Tourism promotion" means any marketing efforts  
 175 exercised to attract domestic and international visitors from  
 176 outside the state to destinations in Florida and to stimulate  
 177 Florida resident tourism to areas within the state.

178 (2) "Tourist" means any person who participates in trade  
 179 or recreation activities outside the county of his or her



HB 1015

2003

180 permanent residence or who rents or leases transient living  
 181 quarters or accommodations as described in s. 125.0104(3)(a).

182 (3) "Commission" means the Florida Commission on Tourism.

183 (4) "County destination marketing organization" means a  
 184 public or private agency that is funded by local option tourist  
 185 development tax revenues under s. 125.0104, or local option  
 186 convention development tax revenues under s. 212.0305, and is  
 187 officially designated by a county commission to market and  
 188 promote the area for tourism or convention business or, in any  
 189 county which has not levied such taxes, a public or private  
 190 agency that is officially designated by the county commission to  
 191 market and promote the area for tourism or convention business.

192 (5) "Direct-support organization" means the Florida  
 193 Tourism Industry Marketing Corporation.

194

195 Reviser's note.--Amended to delete a reference to s.  
 196 288.121, which was repealed by s. 154, ch. 96-320,  
 197 Laws of Florida.

198

199 Section 6. Section 350.115, Florida Statutes, is amended  
 200 to read:

201 350.115 Uniform systems and classifications of  
 202 accounts.--The commission may prescribe by rule uniform systems  
 203 and classifications of accounts for each type of regulated  
 204 company and approve or establish adequate, fair, and reasonable  
 205 depreciation rates and charges. ~~The commission shall use any~~  
 206 ~~such uniform system and classification of accounts that may be~~  
 207 ~~established by the Interstate Commerce Commission for railroads.~~

208



HB 1015

2003

209 Reviser's note.--Amended to delete an obsolete  
210 provision.

211  
212 Section 7. Section 408.0015, Florida Statutes, is  
213 repealed.

214  
215 Reviser's note.--Section 408.0015, which provided a  
216 short title for ss. 408.0015-408.604, the Health Care  
217 Reform Act of 1992, is partially obsolete and has  
218 served its purpose. Some of the statutory provisions  
219 cited within the short title have been moved to other  
220 locations.

221  
222 Section 8. This act shall take effect on the 60th day  
223 after adjournment sine die of the session of the Legislature in  
224 which enacted.