

By Senator Lee

rb10sb-03

1 A reviser's bill to be entitled
2 An act relating to the Florida Statutes;
3 amending ss. 11.90, 61.13, 83.03, 211.31,
4 288.1222, and 350.115, F.S.; and repealing s.
5 408.0015, F.S.; pursuant to s. 11.242, F.S.;
6 deleting provisions that have expired, have
7 become obsolete, have had their effect, have
8 served their purpose, or have been impliedly
9 repealed or superseded; replacing incorrect
10 cross-references and citations; correcting
11 grammatical, typographical, and like errors;
12 removing inconsistencies, redundancies, and
13 unnecessary repetition in the statutes; and
14 improving the clarity of the statutes and
15 facilitating their correct interpretation.

16

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

18

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

21 11.90 Legislative Budget Commission.--

22 (7) The commission shall review information resources
23 management needs identified in agency long-range program plans
24 for consistency with the State Annual Report on Enterprise
25 Resource Planning and Management and statewide policies
26 adopted by the State Technology Office. The commission shall
27 also review proposed budget amendments associated with
28 information technology that involve more than one agency, that
29 have an outcome that impacts another agency, or that exceed
30 \$500,000 in total cost over a 1-year period.

31

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

2
3 Section 2. Paragraph (b) of subsection (2) of section
4 61.13, Florida Statutes, is amended to read:

5 61.13 Custody and support of children; visitation
6 rights; power of court in making orders.--

7 (2)

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

21 2. The court shall order that the parental
22 responsibility for a minor child be shared by both parents
23 unless the court finds that shared parental responsibility
24 would be detrimental to the child. Evidence that a parent has
25 been convicted of a felony of the third degree or higher
26 involving domestic violence, as defined in s. 741.28 and
27 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
28 a rebuttable presumption of detriment to the child. If the
29 presumption is not rebutted, shared parental responsibility,
30 including visitation, residence of the child, and decisions
31 made regarding the child, may not be granted to the convicted

1 parent. However, the convicted parent is not relieved of any
2 obligation to provide financial support. If the court
3 determines that shared parental responsibility would be
4 detrimental to the child, it may order sole parental
5 responsibility and make such arrangements for visitation as
6 will best protect the child or abused spouse from further
7 harm. Whether or not there is a conviction of any offense of
8 domestic violence or child abuse or the existence of an
9 injunction for protection against domestic violence, the court
10 shall consider evidence of domestic violence or child abuse as
11 evidence of detriment to the child.

12 a. In ordering shared parental responsibility, the
13 court may consider the expressed desires of the parents and
14 may grant to one party the ultimate responsibility over
15 specific aspects of the child's welfare or may divide those
16 responsibilities between the parties based on the best
17 interests of the child. Areas of responsibility may include
18 primary residence, education, medical and dental care, and any
19 other responsibilities that the court finds unique to a
20 particular family.

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

25 c. The court may award the grandparents visitation
26 rights with a minor child if it is in the child's best
27 interest. Grandparents have legal standing to seek judicial
28 enforcement of such an award. This section does not require
29 that grandparents be made parties or given notice of
30 dissolution pleadings or proceedings, ~~nor do grandparents have~~
31 ~~legal standing as "contestants" as defined in s. 61.1306. A~~

1 court may not order that a child be kept within the state or
2 jurisdiction of the court solely for the purpose of permitting
3 visitation by the grandparents.

4 3. Access to records and information pertaining to a
5 minor child, including, but not limited to, medical, dental,
6 and school records, may not be denied to a parent because the
7 parent is not the child's primary residential parent. Full
8 rights under this subparagraph apply to either parent unless a
9 court order specifically revokes these rights, including any
10 restrictions on these rights as provided in a domestic
11 violence injunction. A parent having rights under this
12 subparagraph has the same rights upon request as to form,
13 substance, and manner of access as are available to the other
14 parent of a child, including, without limitation, the right to
15 in-person communication with medical, dental, and education
16 providers.

17
18 Reviser's note.--Amended to delete a provision
19 that has served its purpose. Section 61.1306
20 was repealed by s. 7, ch. 2002-65, Laws of
21 Florida.

22
23 Section 3. Subsection (1) of section 83.03, Florida
24 Statutes, is amended to read:

25 83.03 Termination of tenancy at will; length of
26 notice.--A tenancy at will may be terminated by either party
27 giving notice as follows:

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

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

2
3 Section 4. Subsection (1) of section 211.31, Florida
4 Statutes, is amended to read:

5 211.31 Levy of tax on severance of certain solid
6 minerals; rate, basis, and distribution of tax.--

7 (1) There is hereby levied, to be collected as
8 provided herein, an excise tax upon every person engaging in
9 the business of severing solid minerals, except phosphate rock
10 and heavy minerals, from the soils and waters of this state
11 for commercial use. ~~Such tax shall be 5 percent of the value~~
12 ~~at the point of severance of the identifiable solid minerals~~
13 ~~severed through June 30, 1995. Beginning July 1, 1995, such~~
14 ~~tax shall be 6 percent of the value at the point of severance~~
15 ~~of the identifiable solid minerals severed. Beginning July 1,~~
16 ~~1996, such tax shall be 7 percent of the value at the point of~~
17 ~~severance of the identifiable solid minerals severed.~~
18 ~~Beginning July 1, 1997, and thereafter, Such tax shall be 8~~
19 percent of the value at the point of severance of the
20 identifiable solid minerals severed.

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

24 1. ~~Fifty percent to the credit of the General Revenue~~
25 ~~Fund of the state; and~~

26 2. ~~Fifty percent to the credit of the Land Reclamation~~
27 ~~Trust Fund established for refunds under the provisions of s.~~
28 ~~211.32.~~

29
30 ~~Moneys paid into the Land Reclamation Trust Fund through June~~
31 ~~30, 1994, shall remain available in that fund for refunds in~~

1 ~~accordance with the provisions of s. 211.32 until those moneys~~
2 ~~have been so depleted. Lands mined through June 30, 1994,~~
3 ~~shall remain eligible for such refunds. The Land Reclamation~~
4 ~~Trust Fund is abolished on July 1, 1999.~~

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

8 ~~1. Fifty percent to the credit of the General Revenue~~
9 ~~Fund of the state; and~~

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

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

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

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

19
20 Reviser's note.--Amended to improve clarity and
21 delete obsolete language.
22

23 Section 5. Section 288.1222, Florida Statutes, is
24 amended to read:

25 288.1222 Definitions.--For the purposes of ss.
26 288.017, 288.122-288.1226 ~~288.121-288.1226~~, and 288.124, the
27 term:

28 (1) "Tourism promotion" means any marketing efforts
29 exercised to attract domestic and international visitors from
30 outside the state to destinations in Florida and to stimulate
31 Florida resident tourism to areas within the state.

1 (2) "Tourist" means any person who participates in
2 trade or recreation activities outside the county of his or
3 her permanent residence or who rents or leases transient
4 living quarters or accommodations as described in s.
5 125.0104(3)(a).

6 (3) "Commission" means the Florida Commission on
7 Tourism.

8 (4) "County destination marketing organization" means
9 a public or private agency that is funded by local option
10 tourist development tax revenues under s. 125.0104, or local
11 option convention development tax revenues under s. 212.0305,
12 and is officially designated by a county commission to market
13 and promote the area for tourism or convention business or, in
14 any county which has not levied such taxes, a public or
15 private agency that is officially designated by the county
16 commission to market and promote the area for tourism or
17 convention business.

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

20

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

24

25 Section 6. Section 350.115, Florida Statutes, is
26 amended to read:

27 350.115 Uniform systems and classifications of
28 accounts.--The commission may prescribe by rule uniform
29 systems and classifications of accounts for each type of
30 regulated company and approve or establish adequate, fair, and
31 reasonable depreciation rates and charges. ~~The commission~~

1 ~~shall use any such uniform system and classification of~~
2 ~~accounts that may be established by the Interstate Commerce~~
3 ~~Commission for railroads.~~

4
5 Reviser's note.--Amended to delete an obsolete
6 provision.

7
8 Section 7. Section 408.0015, Florida Statutes, is
9 repealed.

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11 Reviser's note.--Section 408.0015, which
12 provided a short title for ss.
13 408.0015-408.604, the Health Care Reform Act of
14 1992, is partially obsolete and has served its
15 purpose. Some of the statutory provisions cited
16 within the short title have been moved to other
17 locations.