

Senate Bill No. 588

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that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and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.

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 re-

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

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

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

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

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

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

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

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

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

Reviser's note.—Amended to improve clarity.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reviser's note.—Amended to improve clarity and delete obsolete language.

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

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

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

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

(3) “Commission” means the Florida Commission on Tourism.

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

(5) “Direct-support organization” means the Florida Tourism Industry Marketing Corporation.

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

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

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

Reviser's note.—Amended to delete an obsolete provision.

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

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

Approved by the Governor April 1, 2003.

Filed in Office Secretary of State April 1, 2003.