

CHAPTER 98-34

Senate Bill No. 222

An act relating to public officers and employees; amending ss. 18.01, 19.14, 20.23, F.S.; eliminating bond requirements for the Treasurer, the Commissioner of Agriculture, and the comptroller of the Department of Transportation; amending s. 20.05, F.S.; allowing the head of an executive department to require bonds for officers or employees of the department and to set the amount of the bond and approve the bond; amending s. 20.32, F.S.; allowing the Parole Commission to require bonds for employees, set the bond amount, and approve the bonds; amending s. 27.255, F.S.; authorizing state attorneys to require bonds for full-time investigators and special investigators; amending ss. 28.01, 28.02, 28.09, 30.01, 30.02, 30.06, 30.09, 30.21, 40.35, F.S.; requiring bonds and the filing of bonds with the clerk of the circuit court as determined by the board of county commissioners for the clerk of the circuit court, clerks ad interim, sheriffs, and deputy sheriffs; providing requirements for bonds when sheriffs are appointed to fill vacancies; clarifying the liability of sureties; amending ss. 48.021, 98.015, F.S.; eliminating bond requirements for special process servers, and supervisors of elections; amending s. 113.07, F.S.; eliminating the requirement for public officials to file a surety bond as a prequalification to holding office or performing duties; amending s. 115.03, F.S., relating to elected officers' duties; clarifying that any required bonds remain in effect for the remainder of a term of office; allowing for the deputy to give a bond; amending s. 137.01, F.S.; eliminating the bond requirements for county officers; allowing the board of county commissioners to require county officers to give a bond, set the amount of the bond, and approve the bond; requiring the filing of bonds with the clerk of the circuit court instead of the Department of State; amending s. 137.02, F.S.; eliminating the bond requirements for tax collectors; requiring bond as determined by the board of county commissioners; eliminating the requirement that the Department of State approve the bond; amending s. 137.03, F.S.; eliminating the bond requirement for property appraisers; requiring bond as determined by the board of county commissioners; amending s. 137.04, F.S.; eliminating the bond requirement for county commissioners; requiring bond as determined by the board; eliminating the requirement that the Department of State approve the bond; amending s. 137.05, F.S., relating to the examination requirements of bonds of county officers by the county commissioners; removing the examination criteria for sureties; removing the required report of impaired bonds by the county commissioners to the Governor; amending s. 240.268, F.S.; eliminating the bond requirement for university police officers; allowing the university to require a bond, set the amount of the bond, and approve the bond; amending s. 240.38, F.S.; eliminating the bond requirement for community college police officers; allowing the community college to require a bond, set the amount of the bond, and approve the bond; amending s. 242.343, F.S.; eliminating the bond requirement

for campus police of the Florida School for the Deaf and the Blind; allowing the board of trustees to require a bond, set the amount of the bond, and approve the bond; amending ss. 250.10, 266.00001, 266.0013, F.S., and repealing s. 252.55(5), F.S.; eliminating bond requirements for the state quartermaster appointed by the Adjutant General, the Florida Wing commander of the Civil Air Patrol, and members of the historic preservation board; authorizing the Department of State to require and approve a bond for members of historic preservation boards; amending s. 284.41, F.S.; eliminating the coverage for trust funds by the public official bond of the Treasurer and Insurance Commissioner; amending s. 320.03, F.S.; allowing the Department of Highway Safety and Motor Vehicles to require a bond of tax collectors; amending s. 372.04, F.S.; eliminating the requirement for the Director of the Game and Fresh Water Fish Commission to give a bond; allowing the Game and Fresh Water Fish Commission to require a bond of employees, to determine the amount of the bond, and to approve the bond; amending s. 388.131, F.S.; eliminating the bond requirement for the board of commissioners of mosquito-control districts; allowing the Department of Agriculture and Consumer Services to require a bond; amending s. 440.50, F.S.; eliminating the requirement for the Treasurer and Insurance Commissioner to give a bond related to his or her duties as custodian of the Workers' Compensation Administration Trust Fund; amending s. 443.191, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties as custodian of the Unemployment Compensation Trust Fund; amending s. 443.211, F.S.; eliminating the liability on the Treasurer's and Insurance Commissioner's official bond for duties in connection with the Employment Security Administration Trust Fund; amending s. 523.22, F.S.; eliminating the requirement that the Legislature provide for premiums for the bonds of all naval store inspectors; amending ss. 561.051, 570.073, 570.09, 570.11, 582.055, F.S.; eliminating bond requirements for the director and employees of the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and for certain employees of the Department of Agriculture and Consumer Services; repealing s. 17.01, F.S., which requires the Comptroller to give a bond; repealing s. 17.19, F.S., which requires the Comptroller to annually examine the bonds of state officers and report insufficiency of bonds to the Governor; requiring the Governor to require a new bond; holding the Comptroller liable to the state for any loss sustained due to failure to examine the bonds; providing for recovery of loss by suit; repealing s. 113.05, F.S., which prohibits the Governor from issuing commissions to persons required by law to give bond until the execution, approval, and filing of the bond; repealing s. 137.06, F.S., which provides that the failure of a county officer to file a new bond is misfeasance, requires the Governor to suspend the officer and appoint a successor, and makes an officer impeachable for failure to give a new bond; repealing s. 137.07, F.S., which provides liability of the Comptroller and county commissioners to the state and county for failure to perform duties under s. 17.19, F.S., or s. 137.05, F.S.; repealing s. 213.04,

F.S., which requires the executive director of the Department of Revenue to give a bond; repealing s. 229.501, F.S., which requires the Commissioner of Education to give a bond; repealing s. 281.09, F.S., which requires bonding for the officers and agents of the Division of Capitol Police; repealing s. 321.08, F.S., which requires certain officers and employees of the Department of Highway Safety and Motor Vehicles to give a bond; repealing s. 523.11, F.S., which requires the supervising inspector of naval stores to give a bond; providing applicability; providing an effective date.

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

Section 1. Section 18.01, Florida Statutes, is amended to read:

18.01 Bond of Treasurer.—The Treasurer shall, within 10 days before he or she enters upon the duties of office, ~~give a bond to the state, in the sum of \$100,000, with any solvent surety insurer authorized to transact such business in this state and qualified for the posting of bonds of public officials under s. 627.754, to be approved by the Governor, conditioned that the Treasurer will faithfully execute the duties of office; and shall take and subscribe an oath or affirmation faithfully to discharge the duties of office;~~ which bond and oath or affirmation must shall be deposited with the Department of State. The Treasurer shall also file; and after such bond shall have been given, upon the filing with the Department of State of a certificate from the Comptroller attesting, that the retiring Treasurer has turned over vouchers for all payments made as required by law, and that the Treasurer's account has been truly credited with the same, and that he or she has filed receipts from his or her successor for all vouchers paid since the end of last quarter, and for balance of cash, and for all bonds and other securities held by the Treasurer as such, and a certificate from each board of which he or she is made by law ex officio Treasurer, that he or she has satisfactorily accounted to such board as its Treasurer.; ~~the bond given by such Treasurer and the Treasurer's sureties shall be discharged and delivered up and shall be canceled by the Comptroller. Such bond shall be deemed to extend to the faithful execution of the office of Treasurer by the person giving such bond until his or her successor shall have qualified, and to the faithful performance of the duties of Treasurer of each board or fund of which he or she is or may be made by law ex officio the Treasurer.~~

Section 2. Section 19.14, Florida Statutes, is amended to read:

19.14 Bond and oath of office.—The Commissioner of Agriculture shall, before he or she enters upon the duties of office, ~~give bond with good security to be approved by the Governor of this state, in the sum of \$10,000, conditioned for the faithful discharge of the duties of office; and shall take the oath of office prescribed by the constitution of the state.~~

Section 3. Subsection (4) is added to section 20.05, Florida Statutes, to read:

20.05 Heads of departments; powers and duties.—

(4) Each head of a department may require any officer or employee of the department to give a bond for the faithful performance of his or her duties. The head of a department may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the head of the department may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bonds must be paid out of the funds of the department.

Section 4. Paragraph (i) of subsection (3) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(i)1. The secretary shall appoint a comptroller who ~~is shall be~~ responsible to the Assistant Secretary for Finance and Administration. This position is exempt from part II of chapter 110.

2. The comptroller is the chief financial officer of the department and must shall be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must shall hold an active license to practice public accounting in Florida pursuant to chapter 473 or an active license to practice public accounting in any other state. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system that which will in a timely manner accurately reflect the revenues and expenditures of the department and that includes ~~which shall include~~ a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and ~~is shall be~~ responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies that which examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review must shall state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data.

3. ~~The comptroller must give bond in the amount of \$100,000, payable to the Governor and his or her successors in office, to be approved by the Department of Banking and Finance and conditioned upon the faithful performance of his or her duties. The premiums of such bond shall be paid from the funds for the maintenance of the department.~~

3.4. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system

for the prompt payment of the just obligations of the department, which records must at all times disclose:

- a. The several appropriations available for the use of the department;
- b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;
- c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;
- d. The amount or portion of each such apportionment against general contractual and other liabilities then created;
- e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;
- f. The expense and operating costs of the various activities of the department;
- g. The receipts accruing to the department and the distribution thereof;
- h. The assets, investments, and liabilities of the department; and
- i. The cash requirements of the department for a 36-month period.

4.5. The comptroller shall maintain a separate account for each fund administered by the department.

5.6. The comptroller shall perform such other related duties as may be designated by the department.

Section 5. Subsection (3) is added to section 20.32, Florida Statutes, to read:

20.32 Parole Commission.—

(3) The commission may require any employee of the commission to give a bond for the faithful performance of his or her duties. The commission may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the commission may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bonds must be paid out of the funds of the commission.

Section 6. Subsection (4) of section 27.255, Florida Statutes, is amended to read:

27.255 Investigators; authority to arrest, qualifications, rights, immunities, bond, and oath.—

(4) Any full-time investigator employed by the state attorney and any special investigator appointed by the state attorney pursuant to the provisions of s. 27.251 shall, before entering into the performance of duties, take and file the oath as prescribed in s. 5, Art. II of the State Constitution. The

~~state attorney may require any full-time investigator employed by the state attorney or any special investigator appointed by the state attorney pursuant to the provisions of s. 27.251 to give a bond and enter into a good and sufficient bond with a surety company authorized to do business in this state as surety thereon, conditioned on the faithful performance of the investigator's duties and payable to the Governor and his or her successors in the penal sum of \$5,000.~~

Section 7. Section 28.01, Florida Statutes, is amended to read:

28.01 Bond of circuit court clerks, small counties.—In each county of the state, having a population of 150,000 or less according to the last state census, the clerk of the circuit court shall, ~~before being commissioned, give bond as required in a penalty which shall not be less than \$1,000 nor more than \$5,000 to be fixed by the board of county commissioners of the county, payable to the Governor of the state and his or her successors in office, with two or more good and sufficient sureties to be approved by the board of county commissioners, and to be filed with and approved by the clerk of the circuit court and be~~ Department of State, which said bond shall be conditioned upon the faithful discharge of the duties of office.

Section 8. Section 28.02, Florida Statutes, is amended to read:

28.02 Bond of circuit court clerks, large counties.—In each county of the state, having a population in excess of 150,000 according to the last state census, the clerk of the circuit court shall, ~~before being commissioned, give bond as required in a penalty which shall not be less than \$5,000 nor more than \$100,000 to be fixed by the board of county commissioners of the county, payable to the Governor of the state and his or her successors in office, with two or more good and sufficient sureties to be approved by the board of county commissioners, and to be filed with the clerk of the circuit court and be and approved by the~~ Department of State, which said bond shall be conditioned upon the faithful discharge of the duties of office.

Section 9. Section 28.09, Florida Statutes, is amended to read:

28.09 Clerk ad interim.—In the case of vacancy occurring in the office of a clerk of the circuit court by death, resignation, or other cause, the judge of that court shall appoint a clerk ad interim, who shall assume all the responsibilities, perform all the duties, and receive the same compensation for the time being as if he or she had been duly appointed to fill the office; and the clerk shall give such bond and security for the faithful performance of duties as required is prescribed by the board of county commissioners law.

Section 10. Section 30.01, Florida Statutes, is amended to read:

30.01 Bond of sheriffs; small counties.—In each county of the state, having a population of 150,000 or less according to the last state census, the sheriff shall, ~~before being commissioned, give bond as required in a penalty which shall not be less than \$200 nor more than \$10,000, to be fixed by the board of county commissioners of the county, payable to the Governor of the state and the Governor's successors in office, with two or more good and sufficient sureties to be approved by the board of county commissioners, and~~

to be filed with ~~and approved by the clerk of the circuit court and be Department of State, which said bond shall be conditioned upon the faithful discharge of the duties of his or her office.~~ When a sheriff is appointed to fill a vacancy, a bond may not be a prerequisite to succession in office; however, if the county commission requires a bond for the office of sheriff the commission shall allow a period of 10 days after the effective date of the appointment in which the bond may be provided.

Section 11. Section 30.02, Florida Statutes, is amended to read:

30.02 Bond of sheriffs; large counties.—In each county in the state, having a population in excess of 150,000 according to the last state census, the sheriff shall, ~~before being commissioned, give bond as required in a penalty which shall not be less than \$10,000 nor more than \$25,000 to be fixed by the board of county commissioners of the county, payable to the Governor of the state and the Governor's successors in office, with two or more good and sufficient sureties to be approved by the board of county commissioners, and to be filed with and approved by the clerk of the circuit court and be Department of State, which bond shall be conditioned upon the faithful discharge of the duties of his or her office.~~ When a sheriff is appointed to fill a vacancy, a bond may not be a prerequisite to succession in office; however, if the county commission requires a bond for the office of sheriff the commission shall allow a period of 10 days after the effective date of the appointment in which the bond may be provided.

Section 12. Section 30.06, Florida Statutes, is amended to read:

30.06 Liability of sureties.—The sureties, ~~if any, are shall be~~ liable for all fines and ameracements imposed upon the principal, or sheriff.

Section 13. Section 30.09, Florida Statutes, is amended to read:

30.09 Qualification of deputies; special deputies.—

(1) BOND, SURETIES, PERFORMANCE OF SERVICES.—

(a) Each deputy sheriff ~~who is, appointed as aforesaid, shall be required to give bond as required by the board of county commissioners, in the penal sum of \$1,000, payable to the Governor of Florida and the Governor's successors in office, with two or more good and sufficient sureties, to be~~ The amount of the bond and the bond must be approved by the board of county commissioners. The bond must be and filed with the clerk of the circuit court and be, which bond shall be conditioned upon the faithful performance of the duties of his or her office. A No deputy sheriff may not shall be allowed to perform any services as such deputy until he or she subscribes shall subscribe to the oath now prescribed for sheriffs and until the approval of the deputy's bond. The aforesaid Sureties are shall be liable for all fines and ameracements imposed upon their principal.

(b) The board of county commissioners of any county ~~may is authorized to accept a blanket surety bond issued by a solvent surety company authorized to do business in this state, conditioned upon the faithful performance of the duties of the deputy sheriffs appointed by a sheriff, in a the penal sum~~

to be fixed by the board of county commissioners of ~~not less than \$1,000 payable to the Governor and his or her successors in office.~~ If such a blanket surety bond ~~is~~ shall be accepted, individual surety bonds for each deputy sheriff ~~are not~~ shall no longer be necessary. The cost of the blanket bond ~~must shall be paid borne~~ by the appropriate sheriff's department. ~~The afore-~~ said Sureties ~~are shall be~~ liable for all fines and ameracements imposed upon their principals under the provisions of the blanket bond.

(2) SURETY COMPANIES.—The requisite of two sureties and justification of same ~~does shall~~ not apply when where surety is by a solvent surety company authorized to do business in this state.

(3) LIABILITY OF SHERIFF.—The giving of such said bond by a said deputy ~~does shall not in any manner~~ relieve the sheriff of the liability for the acts of his or her deputies.

(4) EXCEPTIONS.—~~The provisions of This section does shall~~ not apply to the appointment of special deputy sheriffs ~~when~~ appointed by the sheriff, ~~under the following circumstances:~~

(a) ~~On election days,~~ To attend elections on election days.

(b) To perform undercover investigative work.

(c) For specific guard or police duties in connection with public sporting or entertainment events, not to exceed 30 days; or for watch or guard duties, when serving in such capacity at specified locations or areas only.

(d) For special and temporary duties, without power of arrest, in connection with guarding or transporting prisoners.

(e) To aid in preserving law and order, or to ~~give render~~ necessary assistance in the event of any threatened or actual hurricane, fire, flood, or other natural disaster, or in the event of any major tragedy such as an airplane crash, train or automobile wreck, or similar accident.

(f) To raise the power of the county, by calling bystanders or others, to assist in quelling a riot or any breach of the peace, when ordered by the sheriff or an authorized general deputy.

(g) To serve as a parking enforcement specialist pursuant to s. 316.640(2).

The appointment of ~~a any such~~ special deputy sheriff in any such circumstance, except with respect to paragraph (g), may be made with full powers of arrest when whenever the sheriff considers deems such appointment reasonable and necessary in the execution of the duties of his or her office. Except under circumstances described in paragraphs (a), (e), (f), and (g), the appointees must shall possess at least the minimum requirements established for law enforcement officers by the Criminal Justice Standards and Training Commission. The appointment of any such special deputy sheriff must shall be recorded in a register maintained for such purpose in the sheriff's office, showing the terms and circumstances of such appointment.

(5) REMOVAL FOR VIOLATION.—A violation of this section subjects ~~shall subject~~ the offender to removal by the Governor.

Section 14. Section 30.21, Florida Statutes, is amended to read:

30.21 Failure to pay over money.—If any sheriff fails ~~shall fail~~ to collect or pay over fines, fees, costs, or other moneys adjudged to the state which he or she has ~~shall have~~ been by proper process directed to collect, the sheriff forfeits ~~shall forfeit~~ his or her commissions and also is ~~be~~ liable for ~~to~~ a fine of \$50, to be recovered by motion before the circuit court, after 10 days' notice, and the sheriff's sureties, if any, ~~are~~ shall ~~also be~~ liable for the amount of such moneys upon his or her bond as sheriff.

Section 15. Subsection (2) of section 40.35, Florida Statutes, is amended to read:

40.35 Accounting and payment to the State Courts Administrator.—

(2) If a ~~any such~~ clerk of the court fails to account for and pay over promptly the balance of all moneys so ~~paid~~ him or her, the sureties, if any, ~~are~~ shall be held liable and responsible for same; and the State Courts Administrator shall report to the Governor and the Comptroller any failure on the part of the clerk of the court to report and faithfully account for any such moneys.

Section 16. Paragraphs (b), (c), and (d) of subsection (2) of section 48.021, Florida Statutes, are amended to read:

48.021 Process; by whom served.—

(2)

(b) A person applying to become a special process server shall:

1. Be at least 18 years of age.
2. Have no mental or legal disability.
3. Be a permanent resident of the state.
4. Submit to a background investigation that includes; ~~which shall include~~ the right to obtain and review the criminal record of the applicant.
5. Obtain and file with the application a certificate of good conduct that, ~~which~~ specifies there is no pending criminal case against the applicant and that there is no record of any felony conviction, nor a record of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years.
6. Submit to an examination testing the applicant's knowledge of the laws and rules regarding the service of process. The content of the examination and the passing grade thereon, and the frequency and the location at which the ~~such~~ examination is ~~shall be~~ offered must ~~shall be~~ prescribed by the sheriff. The examination must ~~shall be~~ offered at least once annually.

~~7. Execute a bond in the amount of \$5,000 with a surety company authorized to do business in this state for the benefit of any person wrongfully injured by malfeasance, misfeasance, or neglect of duty, or incompetence of the applicant, in connection with his or her duties as a process server. Such bond shall be renewable annually.~~

7.8. Take an oath that the applicant will honestly, diligently, and faithfully exercise the duties of a special process server.

(c) The sheriff may prescribe additional rules and requirements directly related to subparagraphs ~~(b)1.-7.~~ (b)1.-8. regarding the eligibility of a person to become a special process server or to have his or her name maintained on the list of special process servers.

(d) An applicant who completes the requirements ~~of set forth in this section~~ must ~~shall~~ be designated as a special process server provided that the sheriff of the county has determined that the appointment of special process servers is necessary or desirable. Each special process server must ~~shall~~ be issued an identification card bearing his or her identification number, printed name, signature and photograph, and an expiration date. Each identification card must ~~shall~~ be renewable annually upon proof of good standing ~~and current bond.~~

Section 17. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of books, office hours, successor, seal; appointment of deputy supervisors; duties.—

(1) A supervisor of elections shall be elected in each county at the general election in each year the number of which is a multiple of four for a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his or her election. Each supervisor shall, before performing any of his or her duties, take the oath prescribed in s. 5, Art. II of the State Constitution ~~and give a surety bond payable to the Governor in the sum of \$5,000, conditioned on the faithful discharge of the supervisor's duties.~~

Section 18. Section 113.07, Florida Statutes, is amended to read:

113.07 Bond by surety company; when required.—

(1) When ~~In all cases where~~ public officials, not honorary, either state, county or district, are ~~now, or shall hereafter be,~~ required to post fidelity or performance bonds, all such bonds must ~~shall~~ be written by surety companies authorized by law to do business in the state.

(2) The provisions of this law ~~do~~ shall not apply to deputy sheriffs, notaries public, or special process servers appointed to serve process under the provisions of s. 48.021.

~~(3) No such official shall be qualified to hold office or perform the duties thereof until such surety bond has been filed.~~

(3)(4) The cost of the premium on such bond ~~must shall~~ be paid out of the General Revenue Fund of the state or out of the county or out of the various districts, depending upon the class in which such officer belongs. ~~If In the event~~ any excess premium over the base premium rate ~~is should be~~ charged in the procurement of the bonds ~~herein provided for~~, such excess premium ~~must shall~~ be paid by the individual officer or official.

Section 19. Section 115.03, Florida Statutes, is amended to read:

115.03 Appointment of deputy; bond.—Before applying for ~~a~~ such leave of absence ~~as above mentioned~~, ~~the~~ such officer shall appoint a capable and competent deputy to take over and perform the duties of the office, and ~~any~~ the bond ~~required of the~~ such officer ~~must remain shall be~~ in full force during the remainder of his or her term of office., ~~in addition to which~~ Such deputy ~~may shall~~ be required to furnish ~~good and sufficient~~ good and sufficient bond in a sum of not more than one-half of the amount of the bond of the officer appointing him or her as such deputy, for the faithful performance of such duties.

Section 20. Section 137.01, Florida Statutes, is amended to read:

137.01 Bonds required by the board of county commissioners for county officers.—~~Each board of county commissioners may by ordinance require any county officer to give bond, conditioned for the faithful performance of the duties of his or her office. The amount of the bond and the bond must be approved by the board of county commissioners. In determining the amount of the bond, the board of county commissioners may consider the amount of money or property likely to be in custody of the county officer at any one time. The bond of each of the county officers of whom a bond is or shall be required must by law, shall, before he or she is commissioned, give bond, with not less than two sureties, or a surety company as hereinafter specified, to the Governor of the state and the Governor's successors in office, conditioned for the faithful performance of the duties of his or her office, which shall be approved by the board of county commissioners, and be filed with the clerk of the circuit court and approved by the Department of State.~~

Section 21. Section 137.02, Florida Statutes, is amended to read:

137.02 Bond of tax collector.—The tax collector of each county shall give bond ~~as required in a sum to be fixed~~ by the board of county commissioners of the respective county, ~~subject to the approval of the Department of State as to amount and surety. This bond shall be specifically conditioned to account duly and faithfully for all taxes collected by the tax collector. In fixing the said bond the board of county commissioners may consider shall take into consideration~~ the amount of money likely to be in the custody of the collector at any one time.

Section 22. Section 137.03, Florida Statutes, is amended to read:

137.03 Bond of property appraisers.—The county property appraiser shall give a bond ~~as required, the amount of which shall be fixed~~ by the board of county commissioners ~~at not less than \$1,000 or more than \$10,000. In fixing the amount of the said bond, the board of county commissioners may~~

~~consider shall take into consideration~~ the amount of money likely to be in the custody of the property appraiser at any one time.

Section 23. Section 137.04, Florida Statutes, is amended to read:

137.04 County commissioners to give bond.—~~Each and every county commissioner of the several counties of the state, whether elected or appointed to such office before he or she is commissioned, must shall be required to give a good and sufficient bond with not less than two sureties, or a surety company duly authorized under the laws of the state, in the sum of \$2,000, conditioned for the faithful performance of the duties of his or her office as required, which bond shall be approved by the board of county commissioners and the Department of State. The premium of the bonds given must with surety companies as sureties shall be paid out of the county treasury.~~

Section 24. Section 137.05, Florida Statutes, is amended to read:

137.05 Duty of boards of county commissioners.—~~The board of county commissioners of each county the various counties of the state shall at its their regular meetings meeting~~ in January and June of each year examine carefully as to the sufficiency of bonds of the county officers ~~of their respective counties, and if it has by reason of death, assignment, or insolvency of any of the sureties on the bonds of said officers, they have reason to believe that the sufficiency of any said bond has become impaired, it must they shall~~ at once ~~report the same to the Governor, who shall call upon and require the such officer or officers to execute and file with the proper officer a new bond for the same amount and, under the same conditions as his or her former bond.~~

Section 25. Subsection (4) of section 240.268, Florida Statutes, is amended to read:

240.268 University police officers.—

(4) University police must shall meet the minimum standards established by the Criminal Justice Standards and Training Commission and chapter 943. Each police officer shall, before entering into the performance of his or her duties, take the oath of office as established by the university; and the university may obtain and approve a shall enter into a good and sufficient bond on each officer, payable to the Governor and his or her successors in office, ~~in the penal sum of \$5,000 with a surety company authorized to do business in this state as surety thereon,~~ conditioned on the faithful performance of the duties of such university police officer. The university may determine the amount of the bond. In determining the amount of the bond, the university may consider the amount of money or property likely to be in the custody of the officer at any one time. The university shall provide a uniform set of identification credentials for each university police officer.

Section 26. Subsection (4) of section 240.38, Florida Statutes, is amended to read:

240.38 Community college police.—

(4) Community college police must meet the minimum standards established by the Police Standards and Training Commission of the Department of Law Enforcement and chapter 943 for law enforcement officers. Each community college police officer must, before entering into the performance of his or her duties, take the oath of office established by the community college. Each community college that employs police officers may shall obtain and approve a surety bond on each police officer, conditioned upon the officer's faithful performance of his or her duties, which bond must be ~~in the amount of \$5,000~~ payable to the Governor. The community college may determine the amount of the bond. In determining the amount of the bond, the community college may consider the amount of money or property likely to be in the custody of the officer at any one time ~~bond must be obtained from a surety company authorized to do business in this state.~~ The community college shall provide a uniform set of identifying credentials to each community college police officer it employs.

Section 27. Subsection (4) of section 242.343, Florida Statutes, is amended to read:

242.343 Florida School for the Deaf and the Blind campus police.—

(4) The campus police must meet the minimum standards established by the Criminal Justice Standards and Training Commission of the Department of Law Enforcement and chapter 943 for law enforcement officers. Each campus police officer must, before entering into the performance of the officer's duties, take the oath of office established by the board of trustees. The board of trustees may shall obtain and approve a surety bond on each campus police officer, conditioned upon the officer's faithful performance of the officer's duties, which bond must be ~~in the amount of \$5,000~~ payable to the Governor. The board of trustees may determine the amount of the bond. In determining the amount of the bond, the board may consider the amount of money or property likely to be in the custody of the officer at any one time ~~bond must be obtained from a surety company authorized to do business in this state.~~ The board of trustees must shall provide a uniform set of identifying credentials to each campus police officer it employs.

Section 28. Subsection (5) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.—

(5) The Adjutant General shall employ a federally recognized officer of the Florida National Guard as the state quartermaster who under the direction of the Adjutant General is shall be accountable for all funds accruing to the Department of Military Affairs and shall, receive, preserve, repair, issue, distribute, and account for all Department of Military Affairs property, including to include real estate pertaining to the State Armory Board, and shall; construct, maintain, improve, and repair facilities pertaining to the Department of Military Affairs and the armory board.; The state quartermaster will be the recorder of the armory board and will perform such other duties as may be required of him or her by the Adjutant General.;~~the~~

~~state quartermaster shall give a surety bond in a surety company approved by the Adjutant General in such amount as the Adjutant General may determine.~~

Section 29. Subsection (2) of section 266.00001, Florida Statutes, is amended to read:

266.00001 Historic preservation boards of trustees; authority of Department of State.—

(2) The boards are placed under the administrative supervision of the Division of Historical Resources of the Department of State. The department may require members of the board appointed as provided in s. 266.0013 to give a bond.

Section 30. Subsection (4) of section 266.0013, Florida Statutes, is amended to read:

266.0013 Board; membership; terms of office; compensation; expenses; bond; removal.—

(4) The members of the board, including the chair, may not receive compensation for their services but are entitled to be reimbursed for per diem and travel expenses incurred in the performance of their official duties as members of the board, subject to the provisions and limitations of s. 112.061. ~~Each member shall give a surety bond in the sum of \$5,000, executed by a surety company authorized to do business in this state, payable to the Governor and the Governor's successors in office, and conditioned upon the faithful performance of the member's duties. The cost of each such bond must be paid by the board.~~

Section 31. Subsection (5) of section 252.55, Florida Statutes, is repealed.

Section 32. Section 284.41, Florida Statutes, is amended to read:

284.41 ~~Transfer of personnel and funds to the Division of Risk Management; extension of Insurance Commissioner and Treasurer's public official bond.—~~

(1) All personnel and funds otherwise allocated to the Department of Insurance for this purpose are hereby transferred to the Division of Risk Management.

(2) The administration of parts I, II, and III of this chapter ~~is~~ shall be a function of the Division of Risk Management.

(3) ~~The current public official bond covering the Insurance Commissioner and Treasurer is hereby extended to include the trust funds hereby created.~~

Section 33. Subsection (2) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(2) ~~The department may require each tax collector is required to give a good and sufficient surety bond, payable to the department, conditioned that the tax collector will faithfully and truly perform the duties imposed upon him or her according to the requirements of law and the rules and regulations of the department and that the tax collector will well and truly pay over and account for all validation stickers, records, and other property and money that comes which may come into his or her possession or control by reason of such service. The amount of the such bond is to shall be determined by the department based on an amount not more than 10 percent above the average of the daily deposits of each tax collector.~~

Section 34. Section 372.04, Florida Statutes, is amended to read:

372.04 Director of commission.—The commission shall appoint, fix the salary of, and at pleasure remove, a suitable person, not a member of the commission, as director. ~~The Said director must shall be reimbursed for travel and other expenses incurred in the discharge of her or his official duties. The commission may require any employee of the commission to give a bond for the faithful performance of his or her duties. The commission may determine the amount of the bond and must approve the bond. In determining the amount of the bond, the commission may consider the amount of money or property likely to be in custody of the officer or employee at any one time. The premiums for the bonds must be paid out of the funds of the commission. The director shall give bond in the sum of \$10,000, conditioned upon the faithful performance of the director's official duties, payable to the Governor and her or his successors in office, with some reputable bonding corporation authorized to do business in this state as surety, said bond to be approved by the Department of Banking and Finance. Said director shall maintain her or his headquarters and reside in Tallahassee.~~

Section 35. Section 388.131, Florida Statutes, is amended to read:

388.131 Commissioners; surety bond.—~~The department may require each Commissioner, before he or she assumes office, shall be required to give the Commissioner of Agriculture a good and sufficient surety bond in the sum of \$2,000, the cost thereof being borne by the district, conditioned on the faithful performance of the duties of his or her office. The, said bond must to be approved and filed in the same manner as a bond is that of the board of county commissioners. The failure of any person to make and file the required this bond within 10 days after his or her election creates shall create a vacancy on the said board.~~

Section 36. Subsection (2) of section 440.50, Florida Statutes, is amended to read:

440.50 Workers' Compensation Administration Trust Fund.—

(2) The Treasurer is authorized to disburse moneys from such fund only when approved by the division and upon the order of the Comptroller. ~~He or she shall be required to give bond in an amount to be approved by the division conditioned upon the faithful performance of his or her duty as custodian of such fund.~~

Section 37. Subsection (2) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(2) The Treasurer ~~is shall be~~ the ex officio treasurer and custodian of the fund and shall administer ~~the such~~ fund in accordance with the directions of the division. All payments from the fund ~~must shall~~ be approved by the division or by a duly authorized agent and ~~must shall~~ be made by the Treasurer upon warrants issued by the Comptroller, except as hereinafter provided. The Treasurer shall maintain within the fund three separate accounts:

- (a) A clearing account;
- (b) An Unemployment Compensation Trust Fund account; and
- (c) A benefit account.

All moneys payable to the fund, including moneys received from the United States as reimbursement for extended benefits paid by the division, upon receipt thereof by the division, ~~must shall~~ be forwarded to the Treasurer, who shall immediately deposit them in the clearing account. Refunds payable ~~under pursuant to s. 443.141~~ may be paid from the clearing account upon warrants issued by the Comptroller ~~as above set forth~~. After clearance thereof, all other moneys in the clearing account ~~must shall~~ be immediately deposited with the Secretary of the Treasury of the United States to the credit of the account of this state in the Unemployment Compensation Trust Fund established and maintained ~~under pursuant to s. 904 of the Social Security Act, as amended, any provisions of the law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the Unemployment Compensation Trust Fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the Treasurer, under the direction of the division, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium may shall~~ be paid out of the fund. If any warrant issued against the clearing account or the benefit account is not presented for payment within 1 year after issuance thereof, the Comptroller ~~must shall~~ cancel the same and credit without restriction the amount of such warrant to the account upon which it is drawn. When the payee or person entitled to any warrant so canceled requests payment thereof, the Comptroller, upon direction of the division, ~~must shall~~ issue a new warrant therefor, to be paid out of the account against which the canceled warrant had been drawn. ~~The Treasurer shall be liable on her or his official bond for the faithful performance of her or his duties as custodian of the fund.~~

Section 38. Subsection (1) of section 443.211, Florida Statutes, is amended to read:

443.211 Employment Security Administration Trust Fund; appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.— There is created in the State Treasury a special fund to be known as the “Employment Security Administration Trust Fund.” All moneys ~~that~~ which are deposited or paid into this fund remain ~~shall~~ be continuously available to the division for expenditure in accordance with the provisions of this chapter and do ~~shall~~ not lapse at any time and may not ~~or~~ be transferred to any other fund. All moneys in this fund which are received from the Federal Government or any agency thereof or which are appropriated by this state for the purposes described in ss. 443.171 and 443.181, except money received under ~~pursuant to~~ s. 443.191(5)(c), must ~~shall~~ be expended solely for the purposes and in the amounts found necessary by the authorized cooperating federal agencies for the proper and efficient administration of this chapter. The fund shall consist of all moneys appropriated by this state; all moneys received from the United States or any agency thereof; all moneys received from any other source for such purpose; any moneys received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency; any amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the Employment Security Administration Trust Fund or by reason of damage to equipment or supplies purchased from moneys in such fund; and any proceeds realized from the sale or disposition of any such equipment or supplies which may no longer be necessary for the proper administration of this chapter. Notwithstanding any provision of this section, all money requisitioned and deposited in this fund under ~~pursuant to~~ s. 443.191(5)(c) remains ~~shall remain~~ part of the Unemployment Compensation Trust Fund and must ~~shall~~ be used only in accordance with the conditions specified in s. 443.191(5). All moneys in this fund must ~~shall~~ be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Such moneys must ~~shall~~ be secured by the depositary in which they are held to the same extent and in the same manner as required by the general depositary law of the state, and collateral pledged must ~~shall~~ be maintained in a separate custody account. All payments from the Employment Security Administration Trust Fund must ~~shall~~ be approved by the division or by a duly authorized agent and must ~~shall~~ be made by the Treasurer upon warrants issued by the Comptroller. Any balances in this fund do ~~shall~~ not lapse at any time and must remain ~~but shall be~~ continuously available to the division for expenditure consistent with this chapter. ~~The Treasurer shall be liable on her or his official bond for the faithful performance of her or his duties in connection with the Employment Security Administration Trust Fund provided for under this chapter. Such liability on the official bond shall be effective immediately upon the enactment of this provision, and such liability shall exist in addition to any liability upon any separate bond existent on the effective date of this provision, or which may be given in the future. All sums recovered on any surety bond for losses sustained by the Employment Security Administration Trust Fund shall be deposited in that fund.~~

Section 39. Section 523.22, Florida Statutes, is amended to read:

523.22 Disposition of fees.—All fees or other compensation collected by the supervising inspector, inspectors at large, and inspectors of ports under the provisions of ss. 523.10, 523.13 and 523.18 ~~must shall~~ be deposited by the inspector collecting same with the State Treasurer and must shall be accounted for in the same way as are other state funds. The State Treasurer shall credit all such receipts to the General Revenue Fund and the Legislature shall provide in its General Appropriations Act sufficient sums for the salaries and expenses ~~including premiums on bonds required~~ of all naval stores inspectors appointed under this chapter.

Section 40. Section 561.051, Florida Statutes, is amended to read:

561.051 Reporting requirements ~~Bond of director and employees.~~—

(1) ~~The director of the division shall furnish a surety bond by a surety company authorized to do business in this state in the sum of \$100,000, payable to the Governor and to be approved by the Comptroller, conditioned upon the faithful performance of his or her duties. He or she shall promptly report and remit to the Treasurer all taxes and fees collected by him or her hereunder and shall send copies a copy of the reports to the Comptroller.~~

(2) ~~All employees and assistants of the division shall be covered by a blanket bond in such amount as determined by the director, conditioned upon the faithful performance of their duties, payable to the state for the use and benefit of the division.~~

(3) ~~The premiums on the bond of the director and the blanket bond covering all employees and assistants of the division, as herein provided, shall be paid by the state.~~

Section 41. Section 570.09, Florida Statutes, is amended to read:

570.09 Assistant commissioner.—The commissioner shall appoint an assistant commissioner of agriculture, who shall serve at the commissioner's pleasure. Before beginning the duties of the office, the assistant commissioner shall take and subscribe to the same oath of office as required of state officers in s. 5, Art. II of the Florida Constitution ~~and give bond as provided in s. 570.11.~~ The assistant commissioner shall be a person qualified by training and experience for the performance of the duties of the office.

Section 42. Subsections (4) and (5) of section 570.073, Florida Statutes, are amended to read:

570.073 Department of Agriculture and Consumer Services, law enforcement officers.—

(4) ~~Each department law enforcement officer shall be covered by a public employee's faithful performance of duty bond, with a corporate surety authorized to transact insurance in this state, in the sum of \$5,000, to be approved by the department, conditioned upon the faithful performance of duty and payable to the commissioner and the commissioner's successors in office.~~

(4)(5) Each law enforcement officer in the state who is certified pursuant to chapter 943 has the same authority as law enforcement officers designated in this section to enforce the laws of this state as described in subsection (1).

Section 43. Section 570.11, Florida Statutes, is amended to read:

570.11 Directors; oath of office.—Before entering upon the duties of his or her office, each director of the department shall take and subscribe to the same oath of office as required of state officers by s. 5, Art. II of the Florida Constitution, ~~and give bond with good security to be approved by the Governor; in the sum of \$10,000, conditioned upon the faithful discharge of the duties of his or her office.~~ Such oath must shall be filed with the Department of State.

Section 44. Subsection (4) of section 582.055, Florida Statutes, is amended to read:

582.055 Powers and duties of the Department of Agriculture and Consumer Services; rules.—

(4) ~~The department shall provide for the execution of surety bonds for all employees who are entrusted with funds or property, and it shall provide for an annual audit of the accounts of receipts and disbursements.~~

Section 45. Sections 17.01, 17.19, 113.05, 137.06, 137.07, 213.04, 229.501, 281.09, and 321.08, Florida Statutes, and section 523.11, Florida Statutes, as amended by section 705 of chapter 97-103, Laws of Florida, are repealed.

Section 46. The provisions of this act do not affect a cause of action that accrued before the effective date of the act.

Section 47. This act shall take effect July 1, 1998.

Became a law without the Governor's approval April 30, 1998.

Filed in Office Secretary of State April 29, 1998.