

1 A bill to be entitled
2 An act relating to the Department of State;
3 amending s. 266.0016, F.S.; providing
4 additional powers of the Historic Pensacola
5 Preservation Board of Trustees; requiring the
6 Division of Historical Resources and the
7 Historic Pensacola Preservation Board of
8 Trustees, in conjunction with specified
9 entities, to develop a regionally based
10 historic preservation plan for West Florida;
11 providing elements of the plan; requiring
12 submission of the plan to the Legislature by a
13 specified date; amending s. 15.01, F.S.;
14 striking a reference to performance by the
15 Secretary of State of constitutional duties;
16 amending s. 20.03, F.S.; redefining the term
17 "cabinet" as used in provisions relating to the
18 structure of the executive branch to conform to
19 changes made to the State Constitution;
20 amending s. 20.10, F.S.; providing for the
21 structure of the Department of State and
22 providing for the appointment, term of office,
23 and duties of the head of the department;
24 amending ss. 112.3144, 112.3145, F.S.;
25 transferring certain functions relating to the
26 disclosure of financial interests by public
27 officers and employees from the Department of
28 State to the Florida Commission on Ethics;
29 amending ss. 112.3148, 112.3149, F.S.;
30 requiring that reports of certain gifts and
31 honoraria be filed with the Commission on

1 Ethics rather than the Secretary of State or
2 Department of State; amending s. 257.36, F.S.;
3 requiring district officers and agencies to
4 comply with certain laws relating to the
5 management of records and revising provisions
6 governing the destruction or disposition of
7 agency records; amending s. 267.072, F.S.;
8 revising programs administered by the Division
9 of Historical Resources of the Department of
10 State; amending s. 288.8175, F.S.; transferring
11 from the Department of Education to the
12 Department of State certain functions relating
13 to linkage institutes between certain
14 educational institutions and foreign countries;
15 amending s. 403.7145, F.S.; conforming
16 provisions relating to the recycling programs
17 for the capitol to changes made in the
18 structure of the executive branch by the State
19 Constitution; amending s. 415.1065, F.S.,
20 relating to records management; conforming a
21 cross-reference to changes made by the act;
22 transferring, renumbering, and amending ss.
23 617.301-617.312, F.S., relating to homeowners'
24 associations, to clarify that such provisions
25 are not administered by the Division of
26 Corporations of the Department of State;
27 amending ss. 617.0601, 617.0701, 617.0721,
28 617.0831, 712.01, 723.0751, 849.085, 849.0931,
29 F.S.; conforming cross-references; amending s.
30 849.094, F.S.; transferring from the Division
31 of Licensing of the Department of State to the

1 Department of Agriculture and Consumer Services
2 certain functions relating to the regulation of
3 game promotions; amending s. 790.06, F.S.;
4 prescribing additional standards for the
5 Department of State to consider in issuing a
6 license for a concealed weapon or firearm;
7 amending s. 307.1901, F.S.; providing for the
8 transfer of specified funds in the Corporations
9 Trust Fund to be used for specified programs
10 administered by the Department of State;
11 requiring the Secretary of State to make a
12 report to the Legislature on recommended
13 statutory changes; transferring the John and
14 Mable Ringling Museum of Art to Florida State
15 University; creating s. 240.711, F.S.; creating
16 the Ringling Center for Cultural Arts;
17 providing for its governance, for a
18 direct-support organization, and for
19 operations; providing powers of the university
20 and its agents and employees; repealing s.
21 265.26, F.S., relating to the Trustees of the
22 John and Mable Ringling Museum of Art;
23 repealing s. 265.261, F.S., relating to that
24 museum's direct-support organization; amending
25 s. 265.2861, F.S.; revising distributions from
26 the Cultural Institutions Trust Fund; amending
27 s. 565.02, F.S.; transferring the beverage
28 license of the museum board of trustees to the
29 direct-support organization; providing
30 effective dates.
31

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

2

3 Section 1. Effective January 7, 2003, section 15.01,
4 Florida Statutes, is amended to read:

5 15.01 Residence, office, and duties.--~~The Secretary of~~
6 ~~State shall reside at the seat of government and shall have~~
7 ~~her or his office in the Capitol and perform the duties~~
8 ~~prescribed by the State Constitution.~~The Department of State
9 shall have the custody of the constitution and Great Seal of
10 this state, and of the original statutes thereof, and of the
11 resolutions of the Legislature, and of all the official
12 correspondence of the Governor. The department shall keep in
13 its office a register and an index of all official letters,
14 orders, communications, messages, documents, and other
15 official acts issued or received by the Governor or the
16 Secretary of State, and record these in a book numbered in
17 chronological order. The Governor, before issuing any order
18 or transmission of any official letter, communication, or
19 document from the executive office or promulgation of any
20 official act or proceeding, except military orders, shall
21 deliver the same or a copy thereof to the Department of State
22 to be recorded.

23 Section 2. Effective January 7, 2003, subsection (1)
24 of section 20.03, Florida Statutes, is amended to read:

25 20.03 Definitions.--To provide uniform nomenclature
26 throughout the structure of the executive branch, the
27 following definitions apply:

28 (1) "Cabinet" means collectively the ~~Secretary of~~
29 State, Attorney General, the Chief Financial Officer, and the
30 Comptroller, Treasurer, Commissioner of Agriculture, and
31

1 ~~Commissioner of Education~~, as specified in s. 4, Art. IV of
2 the State Constitution.

3 Section 3. Effective January 7, 2003, section 20.10,
4 Florida Statutes, is amended to read:

5 20.10 Department of State.--There is created a
6 Department of State.

7 (1) The head of the Department of State is the
8 Secretary of State. The Secretary of State shall be appointed
9 by the Governor, subject to confirmation by the Senate, and
10 shall serve at the pleasure of the Governor. The Secretary of
11 State shall perform the functions conferred by the State
12 Constitution upon the custodian of state records.

13 (2) The following divisions of the Department of State
14 are established:

- 15 (a) Division of Elections.
16 (b) Division of Historical Resources.
17 (c) Division of Corporations.
18 (d) Division of Library and Information Services.
19 (e) Division of Licensing.
20 (f) Division of Cultural Affairs.
21 (g) Division of Administration.

22 Section 4. Effective January 1, 2001, section
23 112.3144, Florida Statutes, is amended to read:

24 112.3144 Full and public disclosure of financial
25 interests.--

26 (1) An officer who is required by s. 8, Art. II of the
27 State Constitution to file a full and public disclosure of his
28 or her financial interests for any calendar or fiscal year
29 shall file that disclosure with the Florida Commission on
30 Ethics.

31

1 (2)~~(1)~~ No person who is required, pursuant to s. 8,
2 Art. II of the State Constitution, to file a full and public
3 disclosure of financial interests and who has filed a full and
4 public disclosure of financial interests for any calendar or
5 fiscal year shall be required to file a statement of financial
6 interests pursuant to s. 112.3145(2) and (3) for the same year
7 or for any part thereof notwithstanding any requirement of
8 this part, except that a candidate for office shall file a
9 copy of his or her disclosure with the officer before whom he
10 or she qualifies.

11 (3)~~(2)~~ For purposes of full and public disclosure
12 under s. 8(a), Art. II of the State Constitution, the
13 following items, if not held for investment purposes and if
14 valued at over \$1,000 in the aggregate, may be reported in a
15 lump sum and identified as "household goods and personal
16 effects":

- 17 (a) Jewelry;
- 18 (b) Collections of stamps, guns, and numismatic
19 properties;
- 20 (c) Art objects;
- 21 (d) Household equipment and furnishings;
- 22 (e) Clothing;
- 23 (f) Other household items; and
- 24 (g) Vehicles for personal use.

25 (4)~~(3)~~ Forms for compliance with the full and public
26 disclosure requirements of s. 8, Art. II of the State
27 Constitution, ~~and a current list of persons required to file~~
28 ~~full and public disclosure by s. 8, Art. II of the State~~
29 ~~Constitution, or other state law, shall be created provided by~~
30 ~~the Commission on Ethics. The commission to the Secretary of~~
31

1 ~~State, who~~ shall give notice of disclosure deadlines and
2 delinquencies and distribute forms in the following manner:

3 (a) Not later than May 1 of each year, the commission
4 ~~on Ethics~~ shall prepare a current list of the names and
5 addresses of and the offices held by every person required to
6 file full and public disclosure annually by s. 8, Art. II of
7 the State Constitution, or other state law, ~~and shall provide~~
8 ~~the Secretary of State with the mailing list.~~ In compiling the
9 list, the commission shall be assisted by each unit of
10 government in providing at the request of the commission the
11 name, address, and name of the office held by each public
12 official within the respective unit of government.

13 (b) Not later than 30 days before July 1 of each year,
14 the commission ~~Secretary of State~~ shall mail a copy of the
15 form prescribed for compliance with full and public disclosure
16 and a notice of the filing deadline to each person on the
17 mailing list.

18 (c) Not later than 30 days after July 1 of each year,
19 the commission ~~Secretary of State~~ shall determine which
20 persons on the mailing list have failed to file full and
21 public disclosure and shall send delinquency notices by
22 certified mail to such persons. Each notice shall state that a
23 grace period is in effect until September 1 of the current
24 year ~~and that, if the statement is not filed by September 1 of~~
25 ~~the current year, the Secretary of State is required by law to~~
26 ~~notify the Commission on Ethics of the delinquency.~~

27 ~~(d) Not later than 30 days following September 1 of~~
28 ~~each year, the Secretary of State shall certify to the~~
29 ~~Commission on Ethics a list of the names and addresses of and~~
30 ~~the offices held by all persons on the mailing list who have~~
31 ~~failed to timely file full and public disclosure. The~~

1 ~~certification shall be on a form prescribed by the commission~~
2 ~~and shall indicate whether the Secretary of State has provided~~
3 ~~the disclosure forms and notice as required by this section to~~
4 ~~all persons named on the delinquency list.~~

5 (d)~~(e)~~ Any person subject to the annual filing of full
6 and public disclosure under s. 8, Art. II of the State
7 Constitution, or other state law, whose name is not on the
8 commission's mailing list of persons required to file full and
9 public disclosure ~~provided to the Secretary of State~~ shall not
10 be deemed delinquent for failure to file full and public
11 disclosure in any year in which the omission occurred.

12 (e)~~(f)~~ The notification requirements of this
13 subsection do not apply to candidates or to the first filing
14 required of any person appointed to elective constitutional
15 office. The appointing official shall notify such newly
16 appointed person of the obligation to file full and public
17 disclosure by July 1.

18 Section 5. Effective January 1, 2001, paragraph (c) of
19 subsection (2) and subsections (4) and (6) of section
20 112.3145, Florida Statutes, are amended to read:

21 112.3145 Disclosure of financial interests and clients
22 represented before agencies.--

23 (2)

24 (c) State officers, ~~persons qualifying for a state~~
25 ~~office~~, and specified state employees shall file their
26 statements of financial interests with the Commission on
27 Ethics ~~Secretary of State~~. Local officers shall file their
28 statements of financial interests with the supervisor of
29 elections of the county in which they permanently reside.
30 Local officers who do not permanently reside in any county in
31 the state shall file their statements of financial interests

1 with the supervisor of elections of the county in which their
2 agency maintains its headquarters. Persons seeking to qualify
3 as candidates for local public office shall file their
4 statements of financial interests with the officer before whom
5 they qualify.

6 (4) Each elected constitutional officer, state
7 officer, local officer, and specified state employee shall
8 file a quarterly report of the names of clients represented
9 for a fee or commission, except for appearances in ministerial
10 matters, before agencies at his or her level of government.
11 For the purposes of this part, agencies of government shall be
12 classified as state-level agencies or agencies below state
13 level. Each local officer shall file such report with the
14 supervisor of elections of the county in which the officer is
15 principally employed or is a resident. Each state officer,
16 elected constitutional officer, and specified state employee
17 shall file such report with the commission ~~Secretary of State~~.
18 The report shall be filed only when a reportable
19 representation is made during the calendar quarter and shall
20 be filed no later than 15 days after the last day of the
21 quarter. Representation before any agency shall be deemed to
22 include representation by such officer or specified state
23 employee or by any partner or associate of the professional
24 firm of which he or she is a member and of which he or she has
25 actual knowledge. For the purposes of this subsection, the
26 term "representation before any agency" does not include
27 appearances before any court or Chief Judges of Compensation
28 Claims or judges of compensation claims or representations on
29 behalf of one's agency in one's official capacity. Such term
30 does not include the preparation and filing of forms and
31 applications merely for the purpose of obtaining or

1 transferring a license based on a quota or a franchise of such
2 agency or a license or operation permit to engage in a
3 profession, business, or occupation, so long as the issuance
4 or granting of such license, permit, or transfer does not
5 require substantial discretion, a variance, a special
6 consideration, or a certificate of public convenience and
7 necessity.

8 (6) Forms for compliance with the disclosure
9 requirements of this section and a current list of persons
10 subject to disclosure shall be provided by the Commission on
11 ~~Ethics to the Secretary of State~~ and to each supervisor of
12 elections, who shall give notice of disclosure deadlines and
13 delinquencies and distribute forms in the following manner:

14 (a)1. Not later than May 1 of each year, the
15 Commission on Ethics shall prepare a current list of the names
16 and addresses of, and the offices or positions held by, every
17 state officer, local officer, and specified employee. In
18 compiling the list, the commission shall be assisted by each
19 unit of government in providing, at the request of the
20 commission, the name, address, and name of agency of, and the
21 office or position held by, each state officer, local officer,
22 or specified state employee within the respective unit of
23 government.

24 2. Not later than May 15 of each year, the commission
25 shall provide ~~the Secretary of State with a current mailing~~
26 ~~list of all state officers and specified employees and shall~~
27 ~~provide~~ each supervisor of elections with a current mailing
28 list of all local officers required to file with such
29 supervisor of elections.

30 (b) Not later than 30 days before July 1 of each year,
31 the commission ~~Secretary of State~~ and each supervisor of

1 elections, as appropriate, shall mail a copy of the form
2 prescribed for compliance with subsection (3) and a notice of
3 all applicable disclosure forms and filing deadlines to each
4 person required to file a statement of financial interests.

5 (c) Not later than 30 days after July 1 of each year,
6 the commission ~~Secretary of State~~ and each supervisor of
7 elections shall determine which persons required to file a
8 statement of financial interests in their respective offices
9 have failed to do so and shall send delinquency notices by
10 certified mail to such persons. Each notice shall state that
11 a grace period is in effect until September 1 of the current
12 year; that no investigative or disciplinary action based upon
13 the delinquency will be taken by the agency head or Commission
14 on Ethics if the statement is filed by September 1 of the
15 current year; that, if the statement is not filed by September
16 1 of the current year, he or she is required by law to notify
17 the Commission on Ethics of the delinquency; and that, if upon
18 the filing of a sworn complaint the commission finds that the
19 person has failed to timely file the statement by September 1
20 of the current year, such person shall be subject to the
21 penalties provided in s. 112.317.

22 (d) Not later than 30 days following September 1 of
23 each year, ~~the Secretary of State~~ and the supervisor of
24 elections in each county shall certify to the Commission on
25 Ethics a list of the names and addresses of, and the offices
26 or positions held by, all persons who have failed to timely
27 file the required statements of financial interests. The
28 certification shall be on a form prescribed by the commission
29 and shall indicate whether the respective certifying official
30 has provided the disclosure forms and notice as required by
31 this subsection to all persons named on the delinquency list.

1 (e) Any state officer, local officer, or specified
2 employee whose name is not on the mailing list of persons
3 required to file statements of financial interests ~~provided to~~
4 ~~the Secretary of State or supervisor of elections~~ is not
5 subject to the penalties provided in s. 112.317 for failure to
6 timely file a statement of financial interests in any year in
7 which the omission occurred.

8 (f) The requirements of this subsection do not apply
9 to candidates or to the first filing required of any state
10 officer, specified employee, or local officer.

11 Section 6. Paragraph (b) of subsection (5), paragraph
12 (d) of subsection (6), and paragraph (a) of subsection (8) of
13 section 112.3148, Florida Statutes, are amended to read:

14 112.3148 Reporting and prohibited receipt of gifts by
15 individuals filing full or limited public disclosure of
16 financial interests and by procurement employees.--

17 (5)

18 (b) However, a person who is regulated by this
19 subsection, who is not regulated by subsection (6), and who
20 makes, or directs another to make, an individual gift having a
21 value in excess of \$25, but not in excess of \$100, other than
22 a gift which the donor knows will be accepted on behalf of a
23 governmental entity or charitable organization, must file a
24 report on the last day of each calendar quarter, for the
25 previous calendar quarter in which a reportable gift is made.
26 The report shall be filed with the Commission on Ethics
27 ~~Secretary of State~~, except with respect to gifts to reporting
28 individuals of the legislative branch, in which case the
29 report shall be filed with the Division of Legislative
30 Information Services in the Office of Legislative Services.
31 The report must contain a description of each gift, the

1 monetary value thereof, the name and address of the person
2 making such gift, the name and address of the recipient of the
3 gift, and the date such gift is given. In addition, when a
4 gift is made which requires the filing of a report under this
5 subsection, the donor must notify the intended recipient at
6 the time the gift is made that the donor, or another on his or
7 her behalf, will report the gift under this subsection. Under
8 this paragraph, a gift need not be reported by more than one
9 person or entity.

10 (6)

11 (d) No later than July 1 of each year, each reporting
12 individual or procurement employee shall file a statement
13 listing each gift having a value in excess of \$100 received by
14 the reporting individual or procurement employee, either
15 directly or indirectly, from a governmental entity or a
16 direct-support organization specifically authorized by law to
17 support a governmental entity. The statement shall list the
18 name of the person providing the gift, a description of the
19 gift, the date or dates on which the gift was given, and the
20 value of the total gifts given during the calendar year for
21 which the report is made. The reporting individual or
22 procurement employee shall attach to such statement any report
23 received by him or her in accordance with paragraph (c), which
24 report shall become a public record when filed with the
25 statement of the reporting individual or procurement employee.
26 The reporting individual or procurement employee may explain
27 any differences between the report of the reporting individual
28 or procurement employee and the attached reports. The annual
29 report filed by a reporting individual shall be filed with the
30 financial disclosure statement required by either s. 8, Art.
31 II of the State Constitution or s. 112.3145, as applicable to

1 the reporting individual. The annual report filed by a
2 procurement employee shall be filed with the Commission on
3 Ethics ~~Department of State~~.

4 (8)(a) Each reporting individual or procurement
5 employee shall file a statement with the Commission on Ethics
6 ~~Secretary of State~~ on the last day of each calendar quarter,
7 for the previous calendar quarter, containing a list of gifts
8 which he or she believes to be in excess of \$100 in value, if
9 any, accepted by him or her, except the following:

- 10 1. Gifts from relatives.
- 11 2. Gifts prohibited by subsection (4) or s.
12 112.313(4).
- 13 3. Gifts otherwise required to be disclosed by this
14 section.

15 Section 7. Subsection (6) of section 112.3149, Florida
16 Statutes, is amended to read:

17 112.3149 Solicitation and disclosure of honoraria.--

18 (6) A reporting individual or procurement employee who
19 receives payment or provision of expenses related to any
20 honorarium event from a person who is prohibited by subsection
21 (4) from paying an honorarium to a reporting individual or
22 procurement employee shall publicly disclose on an annual
23 statement the name, address, and affiliation of the person
24 paying or providing the expenses; the amount of the honorarium
25 expenses; the date of the honorarium event; a description of
26 the expenses paid or provided on each day of the honorarium
27 event; and the total value of the expenses provided to the
28 reporting individual or procurement employee in connection
29 with the honorarium event. The annual statement of honorarium
30 expenses shall be filed by July 1 of each year for such
31 expenses received during the previous calendar year. The

1 reporting individual or procurement employee shall attach to
2 the annual statement a copy of each statement received by him
3 or her in accordance with subsection (5) regarding honorarium
4 expenses paid or provided during the calendar year for which
5 the annual statement is filed. Such attached statement shall
6 become a public record upon the filing of the annual report.
7 The annual statement of a reporting individual shall be filed
8 with the financial disclosure statement required by either s.
9 8, Art. II of the State Constitution or s. 112.3145, as
10 applicable to the reporting individual. The annual statement
11 of a procurement employee shall be filed with the Commission
12 on Ethics ~~Department of State~~.

13 Section 8. Section 257.36, Florida Statutes, is
14 amended to read:

15 257.36 Records and information management.--

16 (1) There is created within the Division of Library
17 and Information Services of the Department of State a records
18 and information management program. It is the duty and
19 responsibility of the division to:

20 (a) Establish and administer a records management
21 program directed to the application of efficient and
22 economical management methods relating to the creation,
23 utilization, maintenance, retention, preservation, and
24 disposal of records.

25 (b) Establish and operate a records center or centers
26 primarily for the storage, processing, servicing, and security
27 of public records that must be retained for varying periods of
28 time but need not be retained in an agency's office equipment
29 or space.

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1 (c) Analyze, develop, establish, and coordinate
2 standards, procedures, and techniques of recordmaking and
3 recordkeeping.

4 (d) Ensure the maintenance and security of records
5 which are deemed appropriate for preservation.

6 (e) Establish safeguards against unauthorized or
7 unlawful removal or loss of records.

8 (f) Initiate appropriate action to recover records
9 removed unlawfully or without authorization.

10 (g) Institute and maintain a training and information
11 program in:

12 1. All phases of records and information management to
13 bring approved and current practices, methods, procedures, and
14 devices for the efficient and economical management of records
15 to the attention of all agencies.

16 2. The requirements relating to access to public
17 records under chapter 119.

18 (h) Provide a centralized program of microfilming for
19 the benefit of all agencies.

20 (i) Make continuous surveys of recordkeeping
21 operations.

22 (j) Recommend improvements in current records
23 management practices, including the use of space, equipment,
24 supplies, and personnel in creating, maintaining, and
25 servicing records.

26 (k) Establish and maintain a program in cooperation
27 with each agency for the selection and preservation of records
28 considered essential to the operation of government and to the
29 protection of the rights and privileges of citizens.

30 (l) Make, or have made, preservation duplicates, or
31 designate existing copies as preservation duplicates, to be

1 preserved in the place and manner of safekeeping as prescribed
2 by the division.

3 (2)(a) All records transferred to the division may be
4 held by it in a records center or centers, to be designated by
5 it, for such time as in its judgment retention therein is
6 deemed necessary. At such time as it is established by the
7 division, such records as are determined by it as having
8 historical or other value warranting continued preservation
9 shall be transferred to the Florida State Archives.

10 (b) Title to any record detained in any records center
11 shall remain in the agency transferring such record to the
12 division.

13 (c) When a record held in a records center is eligible
14 for destruction, the division shall notify, in writing, by
15 certified mail, the agency which transferred the record. The
16 agency shall have 90 days from receipt of that notice to
17 respond requesting continued retention or authorizing
18 destruction or disposal of the record. If the agency does not
19 respond within that time, title to the record shall pass to
20 the division.

21 (3) The division may charge fees for supplies and
22 services, including, but not limited to, shipping containers,
23 pickup, delivery, reference, and storage. Fees shall be based
24 upon the actual cost of the supplies and services and shall be
25 deposited in the Records Management Trust Fund.

26 (4) Any preservation duplicate of any record made
27 pursuant to this chapter shall have the same force and effect
28 for all purposes as the original record. A transcript,
29 exemplification, or certified copy of such preservation
30 duplicate shall be deemed, for all purposes, to be a

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1 transcript, exemplification, or certified copy of the original
2 record.

3 (5) For the purposes of this section, the term
4 "agency" shall mean any state, county, district, or municipal
5 officer, department, division, bureau, board, commission, or
6 other separate unit of government created or established by
7 law. It is the duty of each agency to:

8 (a) Cooperate with the division in complying with the
9 provisions of this chapter and designate a records management
10 liaison officer.

11 (b) Establish and maintain an active and continuing
12 program for the economical and efficient management of
13 records.

14 ~~(6) Each agency shall submit to the division in~~
15 ~~accordance with the rules of the division a list or schedule~~
16 ~~of records in its custody that are not needed in the~~
17 ~~transaction of current business and that do not have~~
18 ~~sufficient administrative, legal, or fiscal significance to~~
19 ~~warrant further retention by the agency. Such records shall,~~
20 ~~in the discretion of the division, be transferred to it for~~
21 ~~further retention and preservation, as herein provided, or may~~
22 ~~be destroyed upon its approval.~~

23 (6)(7) A public record may be destroyed or otherwise
24 disposed of only in accordance with retention schedules
25 established by the division. ~~No record shall be destroyed or~~
26 ~~disposed of by any agency unless approval of the division is~~
27 ~~first obtained.~~ The division shall adopt reasonable rules not
28 inconsistent with this chapter which shall be binding on all
29 agencies relating to the destruction and disposition ~~disposal~~
30 of records. Such rules shall provide, but not be limited to:
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1 (a) Procedures for complying and submitting to the
2 division records-retention lists and schedules of records
3 ~~proposed for disposal~~.

4 (b) Procedures for the physical destruction or other
5 disposal of records.

6 (c) Standards for the reproduction of records for
7 security or with a view to the disposal of the original
8 record.

9 Section 9. Paragraph (d) of subsection (1) of section
10 267.072, Florida Statutes, is amended to read:

11 267.072 Museum of Florida history programs.--

12 (1) The division shall:

13 (d) Establish and administer a program, to be entitled
14 the Great Floridians program, which shall be designed to
15 recognize and record the achievements of Floridians, living
16 and deceased, who have made major contributions to the
17 progress and welfare of this state.

18 1. The division shall nominate present or former
19 citizens of this state, living or deceased, who during their
20 lives have made major contributions to the progress of the
21 nation or this state and its citizens. Nominations shall be
22 submitted to the Secretary of State who shall select from
23 those nominated not less than two persons each year who shall
24 be honored with the designation "Great Floridian," provided no
25 person whose contributions have been through elected or
26 appointed public service shall be selected while holding any
27 such office.

28 2. To enhance public participation and involvement in
29 the identification of any person worthy of being nominated as
30 a Great Floridian, the division shall seek advice and
31 assistance from persons qualified through the demonstration of

1 special interest, experience, or education in the
2 dissemination of knowledge about the state's history.

3 a. In formulating its nominations, the division shall
4 also seek the assistance of the Museum of Florida History
5 Foundation, Inc., ~~Florida History Associates, Inc.~~, or its
6 successor, acting in the capacity as a citizen support
7 organization of the division, pursuant to s. 267.17 and
8 approved to act on behalf of the Museum of Florida History.

9 b. Annually, the division shall convene an ad hoc
10 committee composed of representatives of the Governor, each
11 member of the Florida Cabinet, the President of the Senate,
12 the Speaker of the House of Representatives, and the Museum of
13 Florida History Foundation, Inc. ~~Florida History Associates,~~
14 ~~Inc.~~ This committee shall meet at least twice. The committee
15 shall nominate ~~living citizens of this state who during their~~
16 ~~lives have made major contributions to the progress of the~~
17 ~~nation or this state and its citizens and shall from those~~
18 ~~nominated select each year~~ not fewer ~~less~~ than two persons
19 whose names shall be submitted to the Secretary of State with
20 the recommendation that they be honored with the designation
21 "Great Floridian."

22 3. Upon designation of a person as a Great Floridian
23 by the Secretary of State, the division shall undertake
24 appropriate activities intended to achieve wide public
25 knowledge of the person designated.

26 a. The division may seek to initiate production of a
27 film or videotape depicting the life and contributions of the
28 designee to this state and to the nation. If technology
29 surpasses the use of film or videotape, another medium of
30 equal quality may be used.

31

1 (I) In the production of such films, the division
2 shall seek cooperation from local volunteers throughout the
3 state and, in particular, shall seek fundraising and other
4 assistance of the citizen support organization created
5 pursuant to s. 267.17 to support the programs of the Museum of
6 Florida History.

7 ~~(II) In the case of persons nominated as Great~~
8 ~~Floridians as a result of the committee convened pursuant to~~
9 ~~sub-subparagraph 2.b., the division shall immediately begin~~
10 ~~taking the steps necessary to produce a film depicting the~~
11 ~~contributions of such persons to this state and to the nation;~~
12 ~~however, the requirement to produce such a film shall be~~
13 ~~contingent upon appropriation of sufficient funds by the~~
14 ~~legislature.~~

15 (II)~~(III)~~ The Museum of Florida History shall be the
16 repository of the original negative, the original master tape,
17 and all cuttings, of any film or videotape produced under the
18 authority of this paragraph. The division also may exercise
19 the right of trademark over the terms "Great Floridian" or
20 "Great Floridians" pursuant to s. 286.031.

21 (III)~~(IV)~~ The division shall arrange for the
22 distribution of copies of all films to the general public,
23 public television stations, educational institutions, and
24 others and may establish a reasonable charge to recover costs
25 associated with production and to provide a source of revenue
26 to assist with reproduction, marketing, and distribution of
27 Great Floridians films. Proceeds from such charges shall be
28 deposited into the Historical Resources Operating Trust Fund.

29 b. Deceased persons designated as Great Floridians
30 typically shall be recognized by markers affixed to properties
31 significantly associated with the major contributions of the

1 designee. Such markers shall be erected pursuant to the
2 provisions of s. 267.061(3)(n).

3 Section 10. Section 288.8175, Florida Statutes, is
4 amended to read:

5 288.8175 Linkage institutes between postsecondary
6 institutions in this state and foreign countries.--

7 (1) As used in this section, the term "department"
8 means the Department of State.

9 (2)~~(1)~~ There are created, ~~within the Department of~~
10 ~~Education,~~ Florida linkage institutes. A primary purpose of
11 these institutes is to assist in the development of stronger
12 economic, cultural, educational, and social ties between this
13 state and strategic foreign countries through the promotion of
14 expanded public and private dialogue on cooperative research
15 and technical assistance activities, increased bilateral
16 commerce, student and faculty exchange, cultural exchange, and
17 the enhancement of language training skills between the
18 postsecondary institutions in this state and those of selected
19 foreign countries. Each institute must ensure that minority
20 students are afforded an equal opportunity to participate in
21 the exchange programs.

22 (3)~~(2)~~ Each institute must be governed by an
23 agreement, approved by the department ~~of Education,~~ between
24 the State University System and the Florida Community College
25 System with the counterpart organization ~~of higher education~~
26 in a ~~the~~ foreign country. Each institute must report to the
27 department regarding its program activities, expenditures, and
28 policies.

29 (4)~~(3)~~ Each institute must be co-administered in this
30 state by a university-community college partnership, as
31 designated in subsection (5)~~(4)~~, and must have a private

1 sector and public sector advisory committee. The advisory
2 committee must be representative of the international
3 education and commercial interests of the state and may have
4 members who are native to the foreign country partner. Six
5 members must be appointed by the department ~~of Education~~. The
6 department must appoint at least one member who is an
7 international educator. The presidents, or their designees,
8 of the participating university and community college must
9 also serve on the advisory committee.

10 (5)~~(4)~~ The institutes are:

11 (a) Florida-Brazil Institute (University of Florida
12 and Miami-Dade Community College).

13 (b) Florida-Costa Rica Institute (Florida State
14 University and Valencia Community College).

15 (c) Florida Caribbean Institute (Florida International
16 University and Daytona Beach Community College).

17 (d) Florida-Canada Institute (University of Central
18 Florida and Palm Beach Junior College).

19 (e) Florida-China Institute (University of West
20 Florida, University of South Florida, and Brevard Community
21 College).

22 (f) Florida-Japan Institute (University of South
23 Florida, University of West Florida, and St. Petersburg
24 Community College).

25 (g) Florida-France Institute (New College of the
26 University of South Florida, Miami-Dade Community College, and
27 Florida State University).

28 (h) Florida-Israel Institute (Florida Atlantic
29 University and Broward Community College).

30
31

1 (i) Florida-West Africa Institute (Florida
2 Agricultural and Mechanical University, University of North
3 Florida, and Florida Community College at Jacksonville).

4 (j) Florida-Eastern Europe Institute (University of
5 Central Florida and Lake Sumter Community College).

6 (k) Florida-Mexico Institute (Florida International
7 University and Polk Community College).

8 (6)~~(5)~~ Each institute is allowed to exempt from s.
9 240.1201 up to 25 full-time equivalent students per year from
10 the respective host countries to study in any of the state
11 universities or community colleges in this state as resident
12 students for tuition purposes. The institute directors shall
13 develop criteria, to be approved by the Department of
14 Education, for the selection of these students. Students must
15 return home within 3 years after their tenure of graduate or
16 undergraduate study for a length of time equal to their
17 exemption period.

18 (7)~~(6)~~ Each state university and community college
19 linkage institute partner may enter into an agreement for a
20 student exchange program, that requires that the tuition and
21 fees of a student who is enrolled in a state university or
22 community college and who is participating in an exchange
23 program be paid to the university or community college while
24 the student is participating in the exchange program. The
25 agreement may also require that the tuition and fees of a
26 student who is enrolled in a postsecondary institution in a
27 foreign country and who is participating in an exchange
28 program be paid to the foreign institution of enrollment.

29 (8)~~(7)~~ No later than 60 days before every regular
30 session of the Legislature, the department of ~~Education~~ shall
31 present to the Speaker of the House of Representatives, the

1 President of the Senate, and the minority leaders of the House
2 of Representatives and the Senate a review of linkage
3 institute program activity, criteria for their operation,
4 accountability standards, recommended funding levels, and
5 recommendations for establishing, maintaining, or abolishing
6 linkage institutes. The criteria shall be developed in
7 consultation with Enterprise Florida, Inc. The criteria must
8 include, but need not be limited to, the purpose stated in
9 subsection (2) ~~(1)~~ and:

10 (a) The importance of economic, political, and social
11 ties between this state and the country or region.

12 (b) The potential for growth and expansion of
13 commercial, educational, and cultural links.

14 (c) The viability of regionally oriented, rather than
15 country-specific, linkages, based on historical or emerging
16 regional economic or political trading blocs.

17 (9) ~~(8)~~ A linkage institute may not be created or
18 funded except upon the recommendation of the department of
19 ~~Education~~ and except by amendment to this section.

20 (10) ~~(9)~~ The department of ~~Education~~ shall review and
21 make linkage-institute budget requests to the Governor and the
22 Legislature. State appropriations for institutes created under
23 this section must be made by a single lump-sum line item to
24 the department, which must apportion the funds among the
25 various institutes in accordance with criteria established by
26 the department.

27 (11) ~~(10)~~ Linkage institutes may also accept and
28 administer moneys provided by the department of ~~State~~ for
29 research and development of international trade. The
30 department Secretary of State shall, by March 1, report to the
31 Governor, the President of the Senate, and the Speaker of the

1 House of Representatives in each year in which the department
2 ~~of State~~ has provided moneys for a linkage institute. The
3 report must detail the purpose of the expenditure by the
4 department ~~of State~~ and the use of the moneys by the linkage
5 institutes and must include a copy of the research documents
6 or related materials produced, if any.

7 Section 11. Effective January 7, 2003, subsection (1)
8 of section 403.7145, Florida Statutes, is amended to read:

9 403.7145 Recycling.--

10 (1) The Capitol and the House and Senate office
11 buildings constitute the Capitol recycling area. The Florida
12 House of Representatives, the Florida Senate, and the Office
13 of the Governor, the Secretary of State, and each Cabinet
14 officer who heads a department that occupies office space in
15 the Capitol, shall institute a recycling program for their
16 respective offices in the House and Senate office buildings
17 and the Capitol. Provisions shall be made to collect and sell
18 wastepaper and empty aluminum beverage cans generated by
19 employee activities in these offices. The collection and sale
20 of such materials shall be coordinated with Department of
21 Management Services recycling activities to maximize the
22 efficiency and economy of this program. The Governor, the
23 Speaker of the House of Representatives, the President of the
24 Senate, the Secretary of State, and the Cabinet officers may
25 authorize the use of proceeds from recyclable material sales
26 for employee benefits and other purposes, in order to provide
27 incentives to their respective employees for participation in
28 the recycling program. Such proceeds may also be used to
29 offset any costs of the recycling program.

30 Section 12. Subsection (8) of section 415.1065,
31 Florida Statutes, is amended to read:

1 415.1065 Records management.--All records must be
2 maintained in their entirety for their full retention period,
3 except as otherwise provided in this section:

4 (8) MANNER OF STORAGE AND DISPOSAL.--All reports,
5 regardless of classification, shall be stored and disposed of
6 in a manner deemed appropriate to the department and in
7 accordance with ss. 119.041 and 257.36(6)~~257.36(7)~~.

8 Section 13. Section 617.301, Florida Statutes, is
9 transferred and renumbered as section 720.301, Florida
10 Statutes, and amended to read:

11 720.301 ~~617.301~~ Homeowners' associations;
12 definitions.--As used in ss.720.301-720.312 ~~ss.~~
13 ~~617.301-617.312~~, the term:

14 (1) "Assessment" or "amenity fee" means a sum or sums
15 of money payable to the association, to the developer or other
16 owner of common areas, or to recreational facilities and other
17 properties serving the parcels by the owners of one or more
18 parcels as authorized in the governing documents, which if not
19 paid by the owner of a parcel, can result in a lien against
20 the parcel.

21 (2) "Common area" means all real property within a
22 community which is owned or leased by an association or
23 dedicated for use or maintenance by the association or its
24 members, including, regardless of whether title has been
25 conveyed to the association:

26 (a) Real property the use of which is dedicated to the
27 association or its members by a recorded plat; or

28 (b) Real property committed by a declaration of
29 covenants to be leased or conveyed to the association.

30 (3) "Community" means the real property that is or
31 will be subject to a declaration of covenants which is

1 recorded in the county where the property is located. The
2 term "community" includes all real property, including
3 undeveloped phases, that is or was the subject of a
4 development-of-regional-impact development order, together
5 with any approved modification thereto.

6 (4) "Declaration of covenants," or "declaration,"
7 means a recorded written instrument in the nature of covenants
8 running with the land which subjects the land comprising the
9 community to the jurisdiction and control of an association or
10 associations in which the owners of the parcels, or their
11 association representatives, must be members.

12 (5) "Developer" means a person or entity that:

13 (a) Creates the community served by the association;
14 or

15 (b) Succeeds to the rights and liabilities of the
16 person or entity that created the community served by the
17 association, provided that such is evidenced in writing.

18 (6) "Governing documents" means:

19 (a) The recorded declaration of covenants for a
20 community, and all duly adopted and recorded amendments,
21 supplements, and recorded exhibits thereto; and

22 (b) The articles of incorporation and bylaws of the
23 homeowners' association, and any duly adopted amendments
24 thereto.

25 (7) "Homeowners' association" or "association" means a
26 Florida corporation responsible for the operation of a
27 community or a mobile home subdivision in which the voting
28 membership is made up of parcel owners or their agents, or a
29 combination thereof, and in which membership is a mandatory
30 condition of parcel ownership, and which is authorized to
31 impose assessments that, if unpaid, may become a lien on the

1 parcel. The term "homeowners' association" does not include a
2 community development district or other similar special taxing
3 district created pursuant to statute.

4 (8) "Member" means a member of an association, and may
5 include, but is not limited to, a parcel owner or an
6 association representing parcel owners or a combination
7 thereof.

8 (9) "Parcel" means a platted or unplatted lot, tract,
9 unit, or other subdivision of real property within a
10 community, as described in the declaration:

11 (a) Which is capable of separate conveyance; and

12 (b) Of which the parcel owner, or an association in
13 which the parcel owner must be a member, is obligated:

14 1. By the governing documents to be a member of an
15 association that serves the community; and

16 2. To pay to the homeowners' association assessments
17 that, if not paid, may result in a lien.

18 (10) "Parcel owner" means the record owner of legal
19 title to a parcel.

20 (11) "Voting interest" means the voting rights
21 distributed to the members of the homeowners' association,
22 pursuant to the governing documents.

23 Section 14. Section 617.302, Florida Statutes, is
24 transferred and renumbered as section 720.302, Florida
25 Statutes, and amended to read:

26 720.302 ~~617.302~~ Homeowners' associations; purposes,
27 scope, and application.--

28 (1) The purposes of ss. 720.301-720.312 ~~ss.~~
29 ~~617.301-617.312~~ are to give statutory recognition to
30 corporations that operate residential communities in this
31 state, to provide procedures for operating homeowners'

1 associations, and to protect the rights of association members
2 without unduly impairing the ability of such associations to
3 perform their functions.

4 (2) The Legislature recognizes that it is not in the
5 best interest of homeowners' associations or the individual
6 association members thereof to create or impose a bureau or
7 other agency of state government to regulate the affairs of
8 homeowners' associations. Further, the Legislature recognizes
9 that certain contract rights have been created for the benefit
10 of homeowners' associations and members thereof before the
11 effective date of this act and that ss. 720.301-720.312 ~~ss.~~
12 ~~617.301-617.312~~ are not intended to impair such contract
13 rights, including, but not limited to, the rights of the
14 developer to complete the community as initially contemplated.

15 (3) Sections 720.301-720.312 ~~617.301-617.312~~ do not
16 apply to:

17 (a) A community that is composed ~~comprised~~ of property
18 primarily intended for commercial, industrial, or other
19 nonresidential use; or

20 (b) The commercial or industrial parcels in a
21 community that contains both residential parcels and parcels
22 intended for commercial or industrial use.

23 (4) Sections 720.301-720.312 ~~617.301-617.312~~ do not
24 apply to any association that is subject to regulation under
25 chapter 718, chapter 719, or chapter 721; or to any
26 nonmandatory association formed under chapter 723.

27 Section 15. Section 617.303, Florida Statutes, is
28 transferred and renumbered as section 720.303, Florida
29 Statutes, and amended to read:

30
31

1 720.303 ~~617.303~~ Association powers and duties;
2 meetings of board; official records; budgets; financial
3 reporting.--

4 (1) POWERS AND DUTIES.--An association which operates
5 a community as defined in s. 720.301 ~~s. 617.301~~, must be
6 operated by an association that is a Florida corporation.
7 After October 1, 1995, the association must be incorporated
8 and the initial governing documents must be recorded in the
9 official records of the county in which the community is
10 located. An association may operate more than one community.
11 The officers and directors of an association have a fiduciary
12 relationship to the members who are served by the association.
13 The powers and duties of an association include those set
14 forth in this chapter and, except as expressly limited or
15 restricted in this chapter, those set forth in the governing
16 documents. A member does not have authority to act for the
17 association by virtue of being a member. An association may
18 have more than one class of members and may issue membership
19 certificates.

20 (2) BOARD MEETINGS.--A meeting of the board of
21 directors of an association occurs whenever a quorum of the
22 board gathers to conduct association business. All meetings
23 of the board must be open to all members except for meetings
24 between the board and its attorney with respect to proposed or
25 pending litigation where the contents of the discussion would
26 otherwise be governed by the attorney-client privilege.
27 Notices of all board meetings must be posted in a conspicuous
28 place in the community at least 48 hours in advance of a
29 meeting, except in an emergency. In the alternative, if
30 notice is not posted in a conspicuous place in the community,
31 notice of each board meeting must be mailed or delivered to

1 each member at least 7 days before the meeting, except in an
2 emergency. Notwithstanding this general notice requirement,
3 for communities with more than 100 members, the bylaws may
4 provide for a reasonable alternative to posting or mailing of
5 notice for each board meeting, including publication of notice
6 or provision of a schedule of board meetings. An assessment
7 may not be levied at a board meeting unless the notice of the
8 meeting includes a statement that assessments will be
9 considered and the nature of the assessments. Directors may
10 not vote by proxy or by secret ballot at board meetings,
11 except that secret ballots may be used in the election of
12 officers. This subsection also applies to the meetings of any
13 committee or other similar body, when a final decision will be
14 made regarding the expenditure of association funds, and to
15 any body vested with the power to approve or disapprove
16 architectural decisions with respect to a specific parcel of
17 residential property owned by a member of the community.

18 (3) MINUTES.--Minutes of all meetings of the members
19 of an association and of the board of directors of an
20 association must be maintained in written form or in another
21 form that can be converted into written form within a
22 reasonable time. A vote or abstention from voting on each
23 matter voted upon for each director present at a board meeting
24 must be recorded in the minutes.

25 (4) OFFICIAL RECORDS.--The association shall maintain
26 each of the following items, when applicable, which constitute
27 the official records of the association:

28 (a) Copies of any plans, specifications, permits, and
29 warranties related to improvements constructed on the common
30 areas or other property that the association is obligated to
31 maintain, repair, or replace.

1 (b) A copy of the bylaws of the association and of
2 each amendment to the bylaws.

3 (c) A copy of the articles of incorporation of the
4 association and of each amendment thereto.

5 (d) A copy of the declaration of covenants and a copy
6 of each amendment thereto.

7 (e) A copy of the current rules of the homeowners'
8 association.

9 (f) The minutes of all meetings of the board of
10 directors and of the members, which minutes must be retained
11 for at least 7 years.

12 (g) A current roster of all members and their mailing
13 addresses and parcel identifications.

14 (h) All of the association's insurance policies or a
15 copy thereof, which policies must be retained for at least 7
16 years.

17 (i) A current copy of all contracts to which the
18 association is a party, including, without limitation, any
19 management agreement, lease, or other contract under which the
20 association has any obligation or responsibility. Bids
21 received by the association for work to be performed must also
22 be considered official records and must be kept for a period
23 of 1 year.

24 (j) The financial and accounting records of the
25 association, kept according to good accounting practices. All
26 financial and accounting records must be maintained for a
27 period of at least 7 years. The financial and accounting
28 records must include:

29 1. Accurate, itemized, and detailed records of all
30 receipts and expenditures.

31

1 2. A current account and a periodic statement of the
2 account for each member, designating the name and current
3 address of each member who is obligated to pay assessments,
4 the due date and amount of each assessment or other charge
5 against the member, the date and amount of each payment on the
6 account, and the balance due.

7 3. All tax returns, financial statements, and
8 financial reports of the association.

9 4. Any other records that identify, measure, record,
10 or communicate financial information.

11 (5) INSPECTION AND COPYING OF RECORDS.--The official
12 records shall be maintained within the state and must be open
13 to inspection and available for photocopying by members or
14 their authorized agents at reasonable times and places within
15 10 business days after receipt of a written request for
16 access. This subsection may be complied with by having a copy
17 of the official records available for inspection or copying in
18 the community.

19 (a) The failure of an association to provide access to
20 the records within 10 business days after receipt of a written
21 request creates a rebuttable presumption that the association
22 willfully failed to comply with this subsection.

23 (b) A member who is denied access to official records
24 is entitled to the actual damages or minimum damages for the
25 association's willful failure to comply with this subsection.
26 The minimum damages are to be \$50 per calendar day up to 10
27 days, the calculation to begin on the 11th business day after
28 receipt of the written request.

29 (c) The association may adopt reasonable written rules
30 governing the frequency, time, location, notice, and manner of
31 inspections, and may impose fees to cover the costs of

1 providing copies of the official records, including, without
2 limitation, the costs of copying. The association shall
3 maintain an adequate number of copies of the recorded
4 governing documents, to ensure their availability to members
5 and prospective members, and may charge only its actual costs
6 for reproducing and furnishing these documents to those
7 persons who are entitled to receive them.

8 (6) BUDGETS.--The association shall prepare an annual
9 budget. The budget must reflect the estimated revenues and
10 expenses for that year and the estimated surplus or deficit as
11 of the end of the current year. The budget must set out
12 separately all fees or charges for recreational amenities,
13 whether owned by the association, the developer, or another
14 person. The association shall provide each member with a copy
15 of the annual budget or a written notice that a copy of the
16 budget is available upon request at no charge to the member.
17 The copy must be provided to the member within the time limits
18 set forth in subsection (5).

19 (7) FINANCIAL REPORTING.--The association shall
20 prepare an annual financial report within 60 days after the
21 close of the fiscal year. The association shall, within the
22 time limits set forth in subsection (5), provide each member
23 with a copy of the annual financial report or a written notice
24 that a copy of the financial report is available upon request
25 at no charge to the member. The financial report must consist
26 of either:

27 (a) Financial statements presented in conformity with
28 generally accepted accounting principles; or

29 (b) A financial report of actual receipts and
30 expenditures, cash basis, which report must show:

31

1 1. The amount of receipts and expenditures by
2 classification; and

3 2. The beginning and ending cash balances of the
4 association.

5 (8) ASSOCIATION FUNDS; COMMINGLING.--

6 (a) All association funds held by a developer shall be
7 maintained separately in the association's name. Reserve and
8 operating funds of the association shall not be commingled
9 prior to turnover except the association may jointly invest
10 reserve funds; however, such jointly invested funds must be
11 accounted for separately.

12 (b) No developer in control of a homeowners'
13 association shall commingle any association funds with his or
14 her funds or with the funds of any other homeowners'
15 association or community association.

16 (9) APPLICABILITY.--Sections 617.1601-617.1604 do not
17 apply to a homeowners' association in which the members have
18 the inspection and copying rights set forth in this section.

19 Section 16. Section 617.306, Florida Statutes, is
20 transferred and renumbered as section 720.306, Florida
21 Statutes, and amended to read:

22 720.306 ~~617.306~~ Associations; meetings of members;
23 voting and election procedures; amendments.--

24 (1) QUORUM; AMENDMENTS.--

25 (a) Unless a lower number is provided in the bylaws,
26 the percentage of voting interests required to constitute a
27 quorum at a meeting of the members shall be 30 percent of the
28 total voting interests. Unless otherwise provided in this
29 chapter or in the articles of incorporation or bylaws,
30 decisions that require a vote of the members must be made by
31 the concurrence of at least a majority of the voting interests

1 present, in person or by proxy, at a meeting at which a quorum
2 has been attained.

3 (b) Unless otherwise provided in the governing
4 documents or required by law, and other than those matters set
5 forth in paragraph (c), any governing document of an
6 association may be amended by the affirmative vote of
7 two-thirds of the voting interests of the association.

8 (c) Unless otherwise provided in the governing
9 documents as originally recorded, an amendment may not affect
10 vested rights unless the record owner of the affected parcel
11 and all record owners of liens on the affected parcels join in
12 the execution of the amendment.

13 (2) ANNUAL MEETING.--The association shall hold a
14 meeting of its members annually for the transaction of any and
15 all proper business at a time, date, and place stated in, or
16 fixed in accordance with, the bylaws. The election of
17 directors, if one is required to be held, must be held at, or
18 in conjunction with, the annual meeting or as provided in the
19 governing documents.

20 (3) SPECIAL MEETINGS.--Special meetings must be held
21 when called by the board of directors or, unless a different
22 percentage is stated in the governing documents, by at least
23 10 percent of the total voting interests of the association.
24 Business conducted at a special meeting is limited to the
25 purposes described in the notice of the meeting.

26 (4) CONTENT OF NOTICE.--Unless law or the governing
27 documents require otherwise, notice of an annual meeting need
28 not include a description of the purpose or purposes for which
29 the meeting is called. Notice of a special meeting must
30 include a description of the purpose or purposes for which the
31 meeting is called.

1 (5) ADJOURNMENT.--Unless the bylaws require otherwise,
2 adjournment of an annual or special meeting to a different
3 date, time, or place must be announced at that meeting before
4 an adjournment is taken, or notice must be given of the new
5 date, time, or place pursuant to s. 720.303(2)~~s. 617.303(2)~~.
6 Any business that might have been transacted on the original
7 date of the meeting may be transacted at the adjourned
8 meeting. If a new record date for the adjourned meeting is or
9 must be fixed under s. 617.0707, notice of the adjourned
10 meeting must be given to persons who are entitled to vote and
11 are members as of the new record date but were not members as
12 of the previous record date.

13 (6) PROXY VOTING.--The members have the right, unless
14 otherwise provided in this subsection or in the governing
15 documents, to vote in person or by proxy. To be valid, a
16 proxy must be dated, must state the date, time, and place of
17 the meeting for which it was given, and must be signed by the
18 authorized person who executed the proxy. A proxy is
19 effective only for the specific meeting for which it was
20 originally given, as the meeting may lawfully be adjourned and
21 reconvened from time to time, and automatically expires 90
22 days after the date of the meeting for which it was originally
23 given. A proxy is revocable at any time at the pleasure of
24 the person who executes it. If the proxy form expressly so
25 provides, any proxy holder may appoint, in writing, a
26 substitute to act in his or her place.

27 (7) ELECTIONS.--Elections of directors must be
28 conducted in accordance with the procedures set forth in the
29 governing documents of the association. All members of the
30 association shall be eligible to serve on the board of
31 directors, and a member may nominate himself or herself as a

1 candidate for the board at a meeting where the election is to
2 be held. Except as otherwise provided in the governing
3 documents, boards of directors must be elected by a plurality
4 of the votes cast by eligible voters.

5 (8) RECORDING.--Any parcel owner may tape record or
6 videotape meetings of the board of directors and meetings of
7 the members. The board of directors of the association may
8 adopt reasonable rules governing the taping of meetings of the
9 board and the membership.

10 Section 17. Section 617.307, Florida Statutes, is
11 transferred and renumbered as section 720.307, Florida
12 Statutes, and amended to read:

13 720.307 ~~617.307~~ Transition of homeowners' association
14 control in a community.--With respect to homeowners'
15 associations ~~as defined in s. 617.301~~:

16 (1) Members other than the developer are entitled to
17 elect at least a majority of the members of the board of
18 directors of the homeowners' association when the earlier of
19 the following events occurs:

20 (a) Three months after 90 percent of the parcels in
21 all phases of the community that will ultimately be operated
22 by the homeowners' association have been conveyed to members;
23 or

24 (b) Such other percentage of the parcels has been
25 conveyed to members, or such other date or event has occurred,
26 as is set forth in the governing documents in order to comply
27 with the requirements of any governmentally chartered entity
28 with regard to the mortgage financing of parcels.

29
30 For purposes of this section, the term "members other than the
31 developer" shall not include builders, contractors, or others

1 who purchase a parcel for the purpose of constructing
2 improvements thereon for resale.

3 (2) The developer is entitled to elect at least one
4 member of the board of directors of the homeowners'
5 association as long as the developer holds for sale in the
6 ordinary course of business at least 5 percent of the parcels
7 in all phases of the community. After the developer
8 relinquishes control of the homeowners' association, the
9 developer may exercise the right to vote any developer-owned
10 voting interests in the same manner as any other member,
11 except for purposes of reacquiring control of the homeowners'
12 association or selecting the majority of the members of the
13 board of directors.

14 (3) At the time the members are entitled to elect at
15 least a majority of the board of directors of the homeowners'
16 association, the developer shall, at the developer's expense,
17 within no more than 90 days deliver the following documents to
18 the board:

19 (a) All deeds to common property owned by the
20 association.

21 (b) The original of the association's declarations of
22 covenants and restrictions.

23 (c) A certified copy of the articles of incorporation
24 of the association.

25 (d) A copy of the bylaws.

26 (e) The minute books, including all minutes.

27 (f) The books and records of the association.

28 (g) Policies, rules, and regulations, if any, which
29 have been adopted.

30

31

1 (h) Resignations of directors who are required to
2 resign because the developer is required to relinquish control
3 of the association.

4 (i) The financial records of the association from the
5 date of incorporation through the date of turnover.

6 (j) All association funds and control thereof.

7 (k) All tangible property of the association.

8 (l) A copy of all contracts which may be in force with
9 the association as one of the parties.

10 (m) A list of the names and addresses and telephone
11 numbers of all contractors, subcontractors, or others in the
12 current employ of the association.

13 (n) Any and all insurance policies in effect.

14 (o) Any permits issued to the association by
15 governmental entities.

16 (p) Any and all warranties in effect.

17 (q) A roster of current homeowners and their addresses
18 and telephone numbers and section and lot numbers.

19 (r) Employment and service contracts in effect.

20 (s) All other contracts in effect to which the
21 association is a party.

22 (4) This section does not apply to a homeowners'
23 association in existence on the effective date of this act, or
24 to a homeowners' association, no matter when created, if such
25 association is created in a community that is included in an
26 effective development-of-regional-impact development order as
27 of the effective date of this act, together with any approved
28 modifications thereof.

29 Section 18. Section 617.3075, Florida Statutes, is
30 transferred and renumbered as section 720.3075, Florida
31 Statutes, and amended to read:

1 720.3075 ~~617.3075~~ Prohibited clauses in homeowners'
2 association documents.--

3 (1) It is ~~hereby~~ declared that the public policy of
4 this state prohibits the inclusion or enforcement of certain
5 types of clauses in homeowners' association documents,
6 including declaration of covenants, articles of incorporation,
7 bylaws, or any other document of the association which binds
8 members of the association, which either have the effect of or
9 provide that:

10 (a) A developer has the unilateral ability and right
11 to make changes to the homeowners' association documents after
12 the transition of homeowners' association control in a
13 community from the developer to the nondeveloper members, as
14 set forth in s. 720.307 ~~s. 617.307~~, has occurred.

15 (b) A homeowners' association is prohibited or
16 restricted from filing a lawsuit against the developer, or the
17 homeowners' association is otherwise effectively prohibited or
18 restricted from bringing a lawsuit against the developer.

19 (c) After the transition of homeowners' association
20 control in a community from the developer to the nondeveloper
21 members, as set forth in s. 720.307 ~~s. 617.307~~, has occurred,
22 a developer is entitled to cast votes in an amount that
23 exceeds one vote per residential lot.

24
25 Such clauses are ~~hereby~~ declared null and void as against the
26 public policy of this state.

27 (2) The public policy described in subsection (1)
28 prohibits the inclusion or enforcement of such clauses created
29 on or after the effective date of section 3 of chapter 98-261,
30 Laws of Florida ~~this section~~.

31

1 Section 19. Section 617.311, Florida Statutes, is
2 transferred and renumbered as section 720.311, Florida
3 Statutes, and amended to read:

4 720.311 ~~617.311~~ Dispute resolution.--The Legislature
5 finds that alternative dispute resolution has made progress in
6 reducing court dockets and trials and in offering a more
7 efficient, cost-effective option to litigation. At any time
8 after the filing in a court of competent jurisdiction of a
9 complaint relating to a dispute under ss. 720.301-720.312 ~~ss.~~
10 ~~617.301-617.312~~, the court may order that the parties enter
11 mediation or arbitration procedures.

12 Section 20. Sections 617.304, 617.305, 617.308,
13 617.309, 617.31, and 617.312, Florida Statutes, are
14 transferred and renumbered as sections 720.304, 720.305,
15 720.308, 720.309, 720.31, and 720.312, Florida Statutes,
16 respectively.

17 Section 21. Subsection (6) of section 617.0601,
18 Florida Statutes, is amended to read:

19 617.0601 Members, generally.--

20 (6) Subsections (1), (2), (3), and (4) do not apply to
21 a corporation that is an association as defined in s. 720.301
22 ~~s. 617.301~~.

23 Section 22. Subsection (6) of section 617.0701,
24 Florida Statutes, is amended to read:

25 617.0701 Meetings of members, generally; failure to
26 hold annual meeting; special meeting; consent to corporate
27 actions without meetings; waiver of notice of meetings.--

28 (6) Subsections (1) and (3) do not apply to any
29 corporation that is an association as defined in s. 720.301 ~~s.~~
30 ~~617.301~~.

31

1 Section 23. Subsection (6) of section 617.0721,
2 Florida Statutes, is amended to read:

3 617.0721 Voting by members.--

4 (6) Subsections (1), (2), (4), and (5) do not apply to
5 a corporation that is an association as defined in s. 720.301
6 ~~s. 617.301~~.

7 Section 24. Section 617.0831, Florida Statutes, is
8 amended to read:

9 617.0831 Indemnification and liability of officers,
10 directors, employees, and agents.--Except as provided in s.
11 617.0834, ss. 607.0831 and 607.0850 apply to a corporation
12 organized under this act and a rural electric cooperative
13 organized under chapter 425. Any reference to "directors" in
14 those sections includes the directors, managers, or trustees
15 of a corporation organized under this act or of a rural
16 electric cooperative organized under chapter 425. However, the
17 term "director" as used in ss. 607.0831 and 607.0850 does not
18 include a director appointed by the developer to the board of
19 directors of a condominium association under chapter 718, a
20 cooperative association under chapter 719, a homeowners'
21 association defined in s. 720.301 ~~s. 617.301~~, or a timeshare
22 managing entity under chapter 721. Any reference to
23 "shareholders" in those sections includes members of a
24 corporation organized under this act and members of a rural
25 electric cooperative organized under chapter 425.

26 Section 25. Subsection (4) of section 712.01, Florida
27 Statutes, is amended to read:

28 712.01 Definitions.--As used in this law:

29 (4) The term "homeowners' association" means a
30 homeowners' association as defined in s. 720.301 ~~s.~~
31 ~~617.301(7)~~, or an association of parcel owners which is

1 authorized to enforce use restrictions that are imposed on the
2 parcels.

3 Section 26. Subsection (1) of section 723.0751,
4 Florida Statutes, is amended to read:

5 723.0751 Mobile home subdivision homeowners'
6 association.--

7 (1) In the event that no homeowners' association has
8 been created pursuant to ss. 720.301-720.312 ~~ss.~~
9 ~~617.301-617.312~~ to operate a mobile home subdivision, the
10 owners of lots in such mobile home subdivision shall be
11 authorized to create a mobile home subdivision homeowners'
12 association in the manner prescribed in ss. 723.075, 723.076,
13 and 723.078 which shall have the powers and duties, to the
14 extent applicable, set forth in ss. 723.002(2) and 723.074.

15 Section 27. Subsection (5) of section 849.085, Florida
16 Statutes, is amended to read:

17 849.085 Certain penny-ante games not crimes;
18 restrictions.--

19 (5) The conduct of any penny-ante game within the
20 common elements or common area of a condominium, cooperative,
21 residential subdivision, or mobile home park or the conduct of
22 any penny-ante game within the dwelling of an eligible
23 organization as defined in subsection (2) or within a publicly
24 owned community center owned by a municipality or county
25 creates no civil liability for damages arising from the
26 penny-ante game on the part of a condominium association,
27 cooperative association, a homeowners' association as defined
28 in s. 720.301 ~~s. 617.301~~, mobile home owner's association,
29 dwelling owner, or municipality or county or on the part of a
30 unit owner who was not a participant in the game.

31

1 Section 28. Subsection (4) and paragraph (e) of
2 subsection (11) of section 849.0931, Florida Statutes, are
3 amended to read:

4 849.0931 Bingo authorized; conditions for conduct;
5 permitted uses of proceeds; limitations.--

6 (4) The right of a condominium association, a
7 cooperative association, a homeowners' association as defined
8 in s. 702.301 ~~s. 617.301~~, a mobile home owners' association, a
9 group of residents of a mobile home park as defined in chapter
10 723, or a group of residents of a mobile home park or
11 recreational vehicle park as defined in chapter 513 to conduct
12 bingo is conditioned upon the return of the net proceeds from
13 such games to players in the form of prizes after having
14 deducted the actual business expenses for such games for
15 articles designed for and essential to the operation, conduct,
16 and playing of bingo. Any net proceeds remaining after paying
17 prizes may be donated by the association to a charitable,
18 nonprofit, or veterans' organization which is exempt from
19 federal income tax under the provisions of s. 501(c) of the
20 Internal Revenue Code to be used in such recipient
21 organization's charitable, civic, community, benevolent,
22 religious, or scholastic works or similar activities or, in
23 the alternative, such remaining proceeds shall be used as
24 specified in subsection (3).

25 (11) Bingo games may be held only on the following
26 premises:

27 (e) With respect to bingo games conducted by a
28 condominium association, a cooperative association, a
29 homeowners' association as defined in s. 720.301 ~~s. 617.301~~, a
30 mobile home owners' association, a group of residents of a
31 mobile home park as defined in chapter 723, or a group of

1 residents of a mobile home park or recreational vehicle park
2 as defined in chapter 513, property owned by the association,
3 property owned by the residents of the mobile home park or
4 recreational vehicle park, or property which is a common area
5 located within the condominium, mobile home park, or
6 recreational vehicle park.

7 Section 29. Section 849.094, Florida Statutes, is
8 amended to read:

9 849.094 Game promotion in connection with sale of
10 consumer products or services.--

11 (1) As used in this section, the term:

12 (a) "Game promotion" means, but is not limited to, a
13 contest, game of chance, or gift enterprise, conducted within
14 or throughout the state and other states in connection with
15 the sale of consumer products or services, and in which the
16 elements of chance and prize are present. However, "game
17 promotion" shall not be construed to apply to bingo games
18 conducted pursuant to s. 849.0931.

19 (b) "Operator" means any person, firm, corporation, or
20 association or agent or employee thereof who promotes,
21 operates, or conducts a game promotion, except any charitable
22 nonprofit organization.

23 (2) It is unlawful for any operator:

24 (a) To design, engage in, promote, or conduct such a
25 game promotion, in connection with the promotion or sale of
26 consumer products or services, wherein the winner may be
27 predetermined or the game may be manipulated or rigged so as
28 to:

29 1. Allocate a winning game or any portion thereof to
30 certain lessees, agents, or franchises; or
31

1 2. Allocate a winning game or part thereof to a
2 particular period of the game promotion or to a particular
3 geographic area;

4 (b) Arbitrarily to remove, disqualify, disallow, or
5 reject any entry;

6 (c) To fail to award prizes offered;

7 (d) To print, publish, or circulate literature or
8 advertising material used in connection with such game
9 promotions which is false, deceptive, or misleading; or

10 (e) To require an entry fee, payment, or proof of
11 purchase as a condition of entering a game promotion.

12 (3) The operator of a game promotion in which the
13 total announced value of the prizes offered is greater than
14 \$5,000 shall file with the Department of Agriculture and
15 Consumer Services ~~State~~ a copy of the rules and regulations of
16 the game promotion and a list of all prizes and prize
17 categories offered at least 7 days before the commencement of
18 the game promotion. Such rules and regulations may not
19 thereafter be changed, modified, or altered. The operator of
20 a game promotion shall conspicuously post the rules and
21 regulations of such game promotion in each and every retail
22 outlet or place where such game promotion may be played or
23 participated in by the public and shall also publish the rules
24 and regulations in all advertising copy used in connection
25 therewith. Radio and television announcements may indicate
26 that the rules and regulations are available at retail outlets
27 or from the operator of the promotion. A nonrefundable filing
28 fee of \$100 shall accompany each filing and shall be ~~deposited~~
29 ~~into the Division of Licensing Trust Fund to be~~ used to pay
30 the costs incurred in administering and enforcing the
31 provisions of this section.

1 (4)(a) Every operator of such a game promotion in
2 which the total announced value of the prizes offered is
3 greater than \$5,000 shall establish a trust account, in a
4 national or state-chartered financial institution, with a
5 balance sufficient to pay or purchase the total value of all
6 prizes offered. On a form supplied by the Department of
7 Agriculture and Consumer Services ~~State~~, an official of the
8 financial institution holding the trust account shall set
9 forth the dollar amount of the trust account, the identity of
10 the entity or individual establishing the trust account, and
11 the name of the game promotion for which the trust account has
12 been established. Such form shall be filed with the
13 Department of Agriculture and Consumer Services ~~State~~ at least
14 7 days in advance of the commencement of the game promotion.
15 In lieu of establishing such trust account, the operator may
16 obtain a surety bond in an amount equivalent to the total
17 value of all prizes offered; and such bond shall be filed with
18 the Department of Agriculture and Consumer Services ~~State~~ at
19 least 7 days in advance of the commencement of the game
20 promotion.

21 1. The moneys held in the trust account may be
22 withdrawn in order to pay the prizes offered only upon
23 certification to the Department of Agriculture and Consumer
24 Services ~~State~~ of the name of the winner or winners and the
25 amount of the prize or prizes and the value thereof.

26 2. If the operator of a game promotion has obtained a
27 surety bond in lieu of establishing a trust account, the
28 amount of the surety bond shall equal at all times the total
29 amount of the prizes offered.

30 (b) The Department of Agriculture and Consumer
31 Services ~~State~~ may waive the provisions of this subsection for

1 any operator who has conducted game promotions in the state
2 for not less than 5 consecutive years and who has not had any
3 civil, criminal, or administrative action instituted against
4 him or her by the state or an agency of the state for
5 violation of this section within that 5-year period. Such
6 waiver may be revoked upon the commission of a violation of
7 this section by such operator, as determined by the Department
8 of Agriculture and Consumer Services ~~State~~.

9 (5) Every operator of a game promotion in which the
10 total announced value of the prizes offered is greater than
11 \$5,000 shall provide the Department of Agriculture and
12 Consumer Services ~~State~~ with a certified list of the names and
13 addresses of all persons, whether from this state or from
14 another state, who have won prizes which have a value of more
15 than \$25, the value of such prizes, and the dates when the
16 prizes were won within 60 days after such winners have been
17 finally determined. The operator shall provide a copy of the
18 list of winners, without charge, to any person who requests
19 it. In lieu of the foregoing, the operator of a game
20 promotion may, at his or her option, publish the same
21 information about the winners in a Florida newspaper of
22 general circulation within 60 days after such winners have
23 been determined and shall provide to the Department of
24 Agriculture and Consumer Services ~~State~~ a certified copy of
25 the publication containing the information about the winners.
26 The operator of a game promotion is not required to notify a
27 winner by mail or by telephone when the winner is already in
28 possession of a game card from which the winner can determine
29 that he or she has won a designated prize. All winning
30 entries shall be held by the operator for a period of 90 days
31 after the close or completion of the game.

1 (6) The Department of Agriculture and Consumer
2 Services State shall keep the certified list of winners for a
3 period of at least 6 months after receipt of the certified
4 list. The department thereafter may dispose of all records and
5 lists.

6 (7) No operator shall force, directly or indirectly, a
7 lessee, agent, or franchise dealer to purchase or participate
8 in any game promotion. For the purpose of this section,
9 coercion or force shall be presumed in these circumstances in
10 which a course of business extending over a period of 1 year
11 or longer is materially changed coincident with a failure or
12 refusal of a lessee, agent, or franchise dealer to participate
13 in such game promotions. Such force or coercion shall further
14 be presumed when an operator advertises generally that game
15 promotions are available at its lessee dealers or agent
16 dealers.

17 (8)(a) The Department of Agriculture and Consumer
18 Services State shall have the power to promulgate such rules
19 and regulations respecting the operation of game promotions as
20 it may deem advisable.

21 (b) Whenever the Department of Agriculture and
22 Consumer Services State or the Department of Legal Affairs has
23 reason to believe that a game promotion is being operated in
24 violation of this section, it may bring an action in the
25 circuit court of any judicial circuit in which the game
26 promotion is being operated in the name and on behalf of the
27 people of the state against any operator thereof to enjoin the
28 continued operation of such game promotion anywhere within the
29 state.

30 (9)(a) Any person, firm, or corporation, or
31 association or agent or employee thereof, who engages in any

1 acts or practices stated in this section to be unlawful, or
2 who violates any of the rules and regulations made pursuant to
3 this section, is guilty of a misdemeanor of the second degree,
4 punishable as provided in s. 775.082 or s. 775.083.

5 (b) Any person, firm, corporation, association, agent,
6 or employee who violates any provision of this section or any
7 of the rules and regulations made pursuant to this section
8 shall be liable for a civil penalty of not more than \$1,000
9 for each such violation, which shall accrue to the state and
10 may be recovered in a civil action brought by the Department
11 of Agriculture and Consumer Services ~~State~~ or the Department
12 of Legal Affairs.

13 (10) This section does not apply to actions or
14 transactions regulated by the Department of Business and
15 Professional Regulation or to the activities of nonprofit
16 organizations or to any other organization engaged in any
17 enterprise other than the sale of consumer products or
18 services. Subsections (3), (4), (5), (6), and (7) and
19 paragraph (8)(a) and any of the rules made pursuant thereto do
20 not apply to television or radio broadcasting companies
21 licensed by the Federal Communications Commission.

22 Section 30. Subsection (2) of section 790.06, Florida
23 Statutes, is amended to read:

24 790.06 License to carry concealed weapon or firearm.--

25 (2) The Department of State shall issue a license if
26 the applicant:

27 (a) Is a resident of the United States or is a
28 consular security official of a foreign government that
29 maintains diplomatic relations and treaties of commerce,
30 friendship, and navigation with the United States and is
31

1 certified as such by the foreign government and by the
2 appropriate embassy in this country;

3 (b) Is 21 years of age or older;

4 (c) Does not suffer from a physical infirmity which
5 prevents the safe handling of a weapon or firearm;

6 (d) Is not ineligible to possess a firearm pursuant to
7 s. 790.23 by virtue of having been convicted of a felony;

8 (e) Has not been committed for the abuse of a
9 controlled substance or been found guilty of a crime under the
10 provisions of chapter 893 or similar laws of any other state
11 relating to controlled substances within a 3-year period
12 immediately preceding the date on which the application is
13 submitted;

14 (f) Does not chronically and habitually use alcoholic
15 beverages or other substances to the extent that his or her
16 normal faculties are impaired. It shall be presumed that an
17 applicant chronically and habitually uses alcoholic beverages
18 or other substances to the extent that his or her normal
19 faculties are impaired if the applicant has been committed
20 under chapter 397 or under the provisions of former chapter
21 396 or has been convicted under s. 790.151 or has been deemed
22 a habitual offender under s. 856.011(3), or has had two or
23 more convictions under s. 316.193 or similar laws of any other
24 state, within the 3-year period immediately preceding the date
25 on which the application is submitted;

26 (g) Desires a legal means to carry a concealed weapon
27 or firearm for lawful self-defense;

28 (h) Demonstrates competence with a firearm by any one
29 of the following:
30
31

1 1. Completion of any hunter education or hunter safety
2 course approved by the Fish and Wildlife Conservation
3 Commission or a similar agency of another state;

4 2. Completion of any National Rifle Association
5 firearms safety or training course;

6 3. Completion of any firearms safety or training
7 course or class available to the general public offered by a
8 law enforcement, junior college, college, or private or public
9 institution or organization or firearms training school,
10 utilizing instructors certified by the National Rifle
11 Association, Criminal Justice Standards and Training
12 Commission, or the Department of State;

13 4. Completion of any law enforcement firearms safety
14 or training course or class offered for security guards,
15 investigators, special deputies, or any division or
16 subdivision of law enforcement or security enforcement;

17 5. Presents evidence of equivalent experience with a
18 firearm through participation in organized shooting
19 competition or military service;

20 6. Is licensed or has been licensed to carry a firearm
21 in this state or a county or municipality of this state,
22 unless such license has been revoked for cause; or

23 7. Completion of any firearms training or safety
24 course or class conducted by a state-certified or National
25 Rifle Association certified firearms instructor;

26
27 A photocopy of a certificate of completion of any of the
28 courses or classes; or an affidavit from the instructor,
29 school, club, organization, or group that conducted or taught
30 said course or class attesting to the completion of the course
31 or class by the applicant; or a copy of any document which

1 shows completion of the course or class or evidences
2 participation in firearms competition shall constitute
3 evidence of qualification under this paragraph; any person who
4 conducts a course pursuant to subparagraph 2., subparagraph
5 3., or subparagraph 7., or who, as an instructor, attests to
6 the completion of such courses, must maintain records
7 certifying that he or she observed the student safely handle
8 and discharge the firearm;

9 (i) Has not been adjudicated an incapacitated person
10 under s. 744.331, or similar laws of any other state, unless 5
11 years have elapsed since the applicant's restoration to
12 capacity by court order;

13 (j) Has not been committed to a mental institution
14 under chapter 394, or similar laws of any other state, unless
15 the applicant produces a certificate from a licensed
16 psychiatrist that he or she has not suffered from disability
17 for at least 5 years prior to the date of submission of the
18 application;

19 (k) Has not had adjudication of guilt withheld or
20 imposition of sentence suspended on any felony or misdemeanor
21 crime of domestic violence unless 3 years have elapsed since
22 probation or any other conditions set by the court have been
23 fulfilled, or the record has been sealed or expunged; ~~and~~

24 (l) Has not been issued an injunction that is
25 currently in force and effect and that restrains the applicant
26 from committing acts of domestic violence or acts of repeat
27 violence; and.

28 (m) Is not prohibited from purchasing or possessing a
29 firearm by any other provision of Florida or federal law.

30 Section 31. Effective January 1, 2002, present
31 subsection (3) of section 607.1901, Florida Statutes, is

1 redesignated as subsection (4) and a new subsection (3) is
2 added to that section to read:

3 607.1901 Corporations Trust Fund creation; transfer of
4 funds.--

5 (3) From the funds collected for annual-report fees
6 not otherwise transferred by subsection (2), the following
7 transfers are made:

8 (a) To the Cultural Institutions Trust Fund, for use
9 by the Legislature in the following fiscal year in funding
10 recommendations with respect to the cultural facilities grants
11 and aid, an amount not to exceed \$10 million each fiscal year.

12 (b) To the Historical Resources Operating Trust Fund,
13 for use by the Legislature in the following fiscal year in
14 funding recommendations with respect to the acquisition and
15 restoration or historic properties, an amount not to exceed
16 \$13 million each fiscal year.

17 (c) To the Library Services Trust Fund, for use by the
18 Legislature in the following fiscal year in funding library
19 cooperative grants, literacy grants, and library construction
20 grants, an amount not to exceed \$10 million each fiscal year.

21 Section 32. Present subsections (14) through (18) of
22 section 266.0016, Florida Statutes, are renumbered as
23 subsections (15) through (19), respectively, subsection (15)
24 is amended, and a new subsection (14) is added to said
25 section, to read:

26 266.0016 Powers of the board.--The department shall
27 monitor the effectiveness of all programs of the board and
28 oversee the board to ensure that it complies with state laws
29 and rules. The board is the governing body and shall exercise
30 those powers delegated to it by the department. These
31

1 delegated powers shall include, but not be limited to, the
2 power to:

3 (14) Enter into agreements to accept credit card
4 payments as compensation, and establish accounts in credit
5 card banks for the deposit of credit card sales invoices.

6 (15)(a)~~(14)~~ Fix and collect charges for admission to
7 any of the facilities operated and maintained by the board
8 under the provisions of ss. 266.0011-266.0018.and

9 (b) Permit the acceptance of tour vouchers issued by
10 tour organizations or travel agents for payment of admissions.

11 (c) Adopt and enforce reasonable rules to govern the
12 conduct of the visiting public.

13

14 Any power delegated by the department pursuant to this section
15 may be revoked by the department at any time if, in the
16 department's determination, the board is not exercising a
17 delegated power in accordance with department rules and
18 policies or in the best interest of the state.

19 Section 33. (1) The Division of Historical Resources
20 of the Department of State and the Historic Pensacola
21 Preservation Board of Trustees, in conjunction with
22 representatives from West Florida counties, municipalities,
23 and postsecondary educational institutions, shall develop a
24 regionally based plan for the protection, preservation,
25 restoration, and promotion of sites, objects, and landmarks of
26 historical significance to West Florida and to the state. The
27 plan shall include, but not be limited to, the following:

28 (a) Identification of the needs, including financial
29 needs, of the region for the protection, preservation,
30 restoration, and promotion of historically significant sites,
31 objects, and landmarks.

1 (b) Consideration and evaluation of and
2 recommendations regarding the long-term management of those
3 historic resources currently under the Historic Pensacola
4 Preservation Board of Trustees.

5 (c) Consideration and evaluation of and
6 recommendations regarding the establishment of a West Florida
7 Museum of History to serve as the center for historic
8 protection, preservation, restoration, and promotion in the
9 region.

10 (d) Recommendations for local and regional
11 initiatives.

12 (e) Recommendations for statutory changes and budget
13 considerations.

14 (2) The plan shall be submitted to the President of
15 the Senate and the Speaker of the House of Representatives no
16 later than January 1, 2001.

17 Section 34. The Secretary of State shall review the
18 Florida Statutes, identify any provisions relating to the
19 performance of constitutional or cabinet duties of the
20 Secretary of State, and recommend changes to those sections of
21 law to the President of the Senate and the Speaker of the
22 House of Representatives by January 1, 2002.

23 Section 35. The John and Mable Ringling Museum of Art
24 is transferred from the Board of Trustees of the John and
25 Mable Ringling Museum of Art in the Department of State to the
26 Florida State University.

27 Section 36. Section 240.711, Florida Statutes, is
28 created to read:

29 240.711 Ringling Center for Cultural Arts.--
30
31

1 (1) The Florida State University Ringling Center for
2 Cultural Arts is created. The center consists of the following
3 properties located in Sarasota County:

4 (a) The John and Mable Ringling Museum of Art composed
5 of:

6 1. The art museum;

7 2. The Ca' d'Zan (the Ringling residence); and

8 3. The Ringling Museum of the Circus.

9 (b) The Florida State University Center for the Fine
10 and Performing Arts, including the Asolo Theater and the
11 Florida State University Center for the Performing Arts, both
12 of which shall provide for academic programs in theatre,
13 dance, art, art history, and museum management.

14
15 The center shall be operated by the Florida State University,
16 which shall be charged with encouraging participation by K-12
17 schools and by other colleges and universities, public and
18 private, in the educational and cultural enrichment programs
19 of the center.

20 (2)(a) The John and Mable Ringling Museum of Arts is
21 designated as the official Art Museum of the State of Florida.
22 The purpose and function of the museum is to maintain and
23 preserve all objects of art and artifacts donated to the state
24 through the will of John Ringling; to acquire and preserve
25 objects of art or artifacts of historical or cultural
26 significance; to exhibit such objects to the public; to
27 undertake scholarly research and publication, including that
28 relating to the collection; to provide educational programs
29 for students at K-12 schools and those in college and graduate
30 school and enrichment programs for children and adults; to
31 assist other museums in the state and nation through education

1 programs and through loaning objects from the collection when
2 such loans do not threaten the safety and security of the
3 objects; to enhance knowledge and appreciation of the
4 collection; and to engage in other activities related to
5 visual arts which benefit the public. The museum shall also
6 engage in programs on the national and international level to
7 enhance further the cultural resources of the state.

8 (b) The Florida State University shall approve a John
9 and Mable Ringling Museum of Art direct-support organization.
10 Such direct-support organization shall consist of no more than
11 31 members appointed by the president of the university from a
12 list of nominees provided by the Ringling direct-support
13 organization. No fewer than one-third of the members must be
14 residents of Sarasota and Manatee Counties, and the remaining
15 members may reside elsewhere. The current members of the Board
16 of Trustees of the John and Mable Ringling Museum of Art may
17 be members of the direct-support organization. They shall
18 develop a charter and by-laws to govern their operation, and
19 these shall be subject to approval by the Florida State
20 University.

21 (c) The John and Mable Ringling Museum of Art
22 direct-support organization, operating under the charter and
23 by-laws and such contracts as are approved by the university,
24 shall set policies to maintain and preserve the collections of
25 the Art Museum; the Circus Museum; the furnishings and objects
26 in the Ringling home, referred as the Ca' d'Zan; and other
27 objects of art and artifacts in the custody of the museum.
28 Title to all such collections, art objects, and artifacts of
29 the museums and its facilities shall remain with the Florida
30 State University, which shall assign state registration
31 numbers to, and conduct annual inventories of, all such

1 properties. The direct-support organization shall develop
2 policy for the museum, subject to the provisions of the John
3 Ringling will and the overall direction of the president of
4 the university; and it is invested with power and authority to
5 nominate a museum director who is appointed by and serves at
6 the pleasure of the president of the university and shall
7 report to the provost of the university or his or her
8 designee. The museum director, with the approval of the
9 provost or his or her designee, shall appoint other employees
10 in accordance with Florida Statutes and rules; remove the same
11 in accordance with Florida Statutes and rules; provide for the
12 proper keeping of accounts and records and budgeting of funds;
13 enter into contracts for professional programs of the museum
14 and for the support and maintenance of the museum; secure
15 public liability insurance; and do and perform every other
16 matter or thing requisite to the proper management,
17 maintenance, support, and control of the museum at the highest
18 efficiency economically possible, while taking into
19 consideration the purposes of the museum.

20 (d) Notwithstanding the provision of s. 287.057, the
21 John and Mable Ringling Museum of Art direct-support
22 organization may enter into contracts or agreements with or
23 without competitive bidding, in its discretion, for the
24 restoration of objects of art in the museum collection or for
25 the purchase of objects of art that are to be added to the
26 collection.

27 (e) Notwithstanding s. 273.055, the university may
28 sell any art object in the museum collection, which object has
29 been acquired after 1936, if the director and the
30 direct-support organization recommend such sale to the
31 president of the university and if they first determine that

1 the object is no longer appropriate for the collection. The
2 proceeds of the sale shall be deposited in the Ringling Museum
3 Art Acquisition, Restoration, and Conservation Trust Fund. The
4 university also may exchange any art object in the collection,
5 which object has been acquired after 1936, for an art object
6 or objects that the director and the museum direct-support
7 organization recommend to the university after judging these
8 to be of equivalent or greater value to the museum.

9 (f) An employee or member of the museum direct-support
10 organization may not receive a commission, fee, or financial
11 benefit in connection with the sale or exchange of a work of
12 art and may not be a business associate of any individual,
13 firm, or organization involved in the sale or exchange.

14 (g) The university, in consultation with the
15 direct-support organization, shall establish policies and may
16 adopt rules for the sale or exchange of works of art.

17 (h) The John and Mable Ringling Museum of Art
18 direct-support organization shall cause an annual audit of its
19 financial accounts to be conducted by an independent certified
20 public accountant, performed in accordance with generally
21 accepted accounting standards. Florida State University is
22 authorized to require and receive from the direct-support
23 organization, or from its independent auditor, any detail or
24 supplemental data relative to the operation of such
25 organization. Information that, if released, would identify
26 donors who desire to remain anonymous, is confidential and
27 exempt from the provisions of s. 119.07(1). Information that,
28 if released, would identify prospective donors is confidential
29 and exempt from the provisions of s. 119.07(1) when the
30 direct-support organization has identified the prospective
31 donor itself and has not obtained the name of the prospective

1 donor by copying, purchasing, or borrowing names from another
2 organization or source. Identities of such donors and
3 prospective donors shall not be revealed in the auditor's
4 report.

5 (i) The direct-support organization is given authority
6 to make temporary loans of paintings and other objects of art
7 or artifacts belonging to the John and Mable Ringling Museum
8 of Art for the purpose of public exhibition in art museums,
9 other museums, or institutions of higher learning wherever
10 located, including such museums or institutions in other
11 states or countries. Temporary loans may also be made to the
12 executive mansion in Tallahassee, chapters and affiliates of
13 the John and Mable Ringling Museum of Art, and, for education
14 purposes, to schools, public libraries, or other institutions
15 in the state, if such exhibition will benefit the general
16 public as the university deems wise and for the best interest
17 of the John and Mable Ringling Museum of Art and under
18 policies established by Florida State University for the
19 protection of the paintings and other objects of art and
20 artifacts. In making temporary loans, the direct-support
21 organization shall give first preference to art museums, other
22 museums, and institutions of higher learning.

23 (j) Notwithstanding any other provision of law, the
24 John and Mable Ringling Museum of Art direct-support
25 organization is eligible to match state funds in the Major
26 Gifts Trust Fund established pursuant to s. 240.2605 as
27 follows:

28 1. For the first \$1,353,750, matching shall be on the
29 basis of 75 cents in state matching for each dollar of private
30 funds.

31

1 2. For additional funds, matching shall be provided on
2 the same basis as is authorized in s. 240.2605.

3 Section 37. Sections 265.26 and 265.261, Florida
4 Statutes, are repealed.

5 Section 38. Paragraph (e) of subsection (1) of section
6 265.2861, Florida Statutes, is amended to read:

7 265.2861 Cultural Institutions Program; trust fund.--

8 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is
9 created a Cultural Institutions Trust Fund to be administered
10 by the Department of State for the purposes set forth in this
11 section and to support the following programs as follows:

12 (e) For the officially designated Art Museum of the
13 State of Florida described in s. 240.711 ~~state-owned cultural~~
14 ~~facilities assigned to the Department of State, which receive~~
15 ~~a portion of any operating funds from the Department of State~~
16 ~~and one of the primary purposes of which is the presentation~~
17 ~~of fine arts or performing arts, not less than \$2.2 million.~~

18
19 The trust fund shall consist of moneys appropriated by the
20 Legislature, moneys deposited pursuant to s. 607.1901(2), and
21 moneys contributed to the fund from any other source.

22 Section 39. Subsection (11) of section 565.02, Florida
23 Statutes, is amended to read:

24 565.02 License fees; vendors; clubs; caterers; and
25 others.--

26 (11) The ~~Board of Trustees of the~~ John and Mable
27 Ringling Museum of Art direct-support organization may obtain
28 a license upon the payment of an annual license tax of \$400.
29 Such license shall permit sales for consumption on the
30 premises of the museum in conjunction with artistic,
31 educational, cultural, civic, or charitable events held on the

1 premises of the museum under the auspices or authorization of
2 the licensee. The issuing of a license under this subsection
3 is not subject to any quota or limitation, except that the
4 license shall be issued only to the direct-support
5 organization ~~board of trustees~~ of the museum or its ~~the~~
6 ~~board's~~ designee. Except as otherwise provided in this
7 subsection, the entity licensed hereunder shall be treated as
8 a vendor licensed to sell by the drink the beverages mentioned
9 herein and shall be subject to all provisions relating to such
10 vendors.

11 Section 40. Except as otherwise provided in this act,
12 this act shall take effect July 1, 2000.

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