

1                                   A bill to be entitled  
 2       An act relating to the Department of State; amending s.  
 3       20.04, F.S.; authorizing nonstandard internal structuring  
 4       of the department; amending s. 20.10, F.S.; reorganizing  
 5       the department; providing for an assistant Secretary of  
 6       State and deputy secretaries of state; deleting existing  
 7       divisions of the department and creating offices as  
 8       internal subdivisions and providing their  
 9       responsibilities; creating s. 257.015, F.S.; providing  
 10      definitions applicable to public libraries and state  
 11      archives; amending ss. 15.09, 15.0913, 15.16, 15.18,  
 12      15.21, 17.27, 20.121, 20.23, 23.22, 28.30, 97.021, 97.026,  
 13      97.053, 98.081, 98.0979, 98.101, 98.461, 99.097, 100.371,  
 14      101.015, 101.017, 101.293, 101.294, 101.545, 101.5608,  
 15      101.5614, 101.694, 101.732, 101.733, 102.111, 102.141,  
 16      105.031, 105.035, 105.036, 105.041, 106.011, 106.021,  
 17      106.03, 106.04, 106.06, 106.07, 106.11, 106.141, 106.1475,  
 18      106.22, 106.23, 106.24, 106.25, 106.26, 106.29, 106.33,  
 19      106.35, 111.012, 119.01, 119.041, 119.05, 119.09, 119.092,  
 20      120.55, 145.09, 193.505, 196.1997, 196.1998, 205.023,  
 21      213.053, 213.50, 215.20, 253.025, 253.027, 257.01, 257.02,  
 22      257.031, 257.04, 257.05, 257.12, 257.14, 257.15, 257.16,  
 23      257.171, 257.172, 257.18, 257.191, 257.192, 257.193,  
 24      257.195, 257.22, 257.23, 257.24, 257.30, 257.34, 257.35,  
 25      257.36, 257.37, 257.375, 257.41, 257.42, 258.007, 258.501,  
 26      259.035, 259.037, 260.0142, 265.283, 265.284, 265.285,  
 27      265.286, 265.2861, 265.2862, 265.2865, 265.603, 265.606,  
 28      265.608, 265.609, 265.701, 265.702, 267.021, 267.031,  
 29      267.061, 267.0612, 267.0617, 267.0619, 267.062, 267.071,

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30 267.072, 267.0731, 267.074, 267.0743, 267.075, 267.081,  
 31 267.11, 267.115, 267.12, 267.13, 267.135, 267.14, 267.16,  
 32 267.161, 267.17, 267.173, 286.001, 380.06, 380.061,  
 33 380.285, 403.941, 403.9411, 413.011, 440.02, 440.05,  
 34 445.004, 468.401, 561.01, 607.0401, 607.1506, 617.0401,  
 35 617.1506, 620.103, 865.09, 872.02, 872.05, 943.1728,  
 36 1004.51, 1004.52, 1004.94, and 1013.64, F.S., to conform;  
 37 repealing ss. 265.51, 265.52, 265.53, 265.54, 265.55, and  
 38 265.56, F.S., relating to authority of the department to  
 39 enter indemnity agreements; providing an effective date.  
 40

41 Be It Enacted by the Legislature of the State of Florida:  
 42

43 Section 1. Section 20.04, Florida Statutes, is amended to  
 44 read:

45 20.04 Structure of executive branch.--The executive branch  
 46 of state government is structured as follows:

47 (1) The department is the principal administrative unit of  
 48 the executive branch. Each department must bear a title  
 49 beginning with the words "State of Florida" and continuing with  
 50 "Department of \_\_\_\_."

51 (2) For field operations, departments may establish  
 52 district or area offices that combine division, bureau, section,  
 53 and subsection functions.

54 (3) For their internal structure, all departments, except  
 55 for the Department of Financial Services, the Department of  
 56 Children and Family Services, the Department of Corrections, the  
 57 Department of Management Services, the Department of Revenue,

58 the Department of State, and the Department of Transportation,  
 59 must adhere to the following standard terms:

60 (a) The principal unit of the department is the  
 61 "division." Each division is headed by a "director."

62 (b) The principal unit of the division is the "bureau."  
 63 Each bureau is headed by a "chief."

64 (c) The principal unit of the bureau is the "section."  
 65 Each section is headed by an "administrator."

66 (d) If further subdivision is necessary, sections may be  
 67 divided into "subsections," which are headed by "supervisors."

68 (4) Within the Department of Children and Family Services  
 69 there are organizational units called "program offices," headed  
 70 by program directors.

71 (5) Within the Department of Corrections the principal  
 72 policy and program development unit of the department is the  
 73 "office." Each "office" is headed by a director.

74 (6) Within the Department of State the principal policy  
 75 and program development unit of the department is the "office."  
 76 A director or other senior management position as determined by  
 77 the secretary shall head each "office."

78 (7)~~(6)~~ Within the Department of Transportation the  
 79 principal policy and program development unit of the department  
 80 is the "office." Each "office" is headed by a director.

81 (8)~~(7)~~(a) Unless specifically authorized by law, the head  
 82 of a department may not reallocate duties and functions  
 83 specifically assigned by law to a specific unit of the  
 84 department. Those functions or agencies assigned generally to  
 85 the department without specific designation to a unit of the

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86 department may be allocated and reallocated to a unit of the  
87 department at the discretion of the head of the department.

88 (b) Within the limitations of this subsection, the head of  
89 the department may recommend the establishment of additional  
90 divisions, bureaus, sections, and subsections of the department  
91 to promote efficient and effective operation of the department.  
92 However, additional divisions, or offices in the Department of  
93 Children and Family Services, the Department of Corrections, and  
94 the Department of Transportation, may be established only by  
95 specific statutory enactment. New bureaus, sections, and  
96 subsections of departments may be initiated by a department and  
97 established as recommended by the Department of Management  
98 Services and approved by the Executive Office of the Governor,  
99 or may be established by specific statutory enactment.

100 (c) For the purposes of such recommendations and  
101 approvals, the Department of Management Services and the  
102 Executive Office of the Governor, respectively, must adopt and  
103 apply specific criteria for assessing the appropriateness of all  
104 reorganization requests from agencies. The criteria must be  
105 applied to future agency requests for reorganization and must be  
106 used to review the appropriateness of bureaus currently in  
107 existence. Any current bureau that does not meet the criteria  
108 for a bureau must be reorganized into a section or other  
109 appropriate unit.

110 (9)~~(8)~~ The Executive Office of the Governor must maintain  
111 a current organizational chart of each agency of the executive  
112 branch, which must identify all divisions, bureaus, units, and  
113 subunits of the agency. Agencies must submit such organizational

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114 charts in accordance with guidelines established by the  
 115 Executive Office of the Governor.

116 Section 2. Section 20.10, Florida Statutes, is amended to  
 117 read:

118 20.10 Department of State.--There is created a Department  
 119 of State.

120 (1) The head of the Department of State is the Secretary  
 121 of State. The Secretary of State shall be appointed by the  
 122 Governor, subject to confirmation by the Senate, and shall serve  
 123 at the pleasure of the Governor. The Secretary of State shall  
 124 perform the functions conferred by the State Constitution upon  
 125 the custodian of state records.

126 (2) The Secretary of State shall appoint an assistant  
 127 secretary and deputy secretaries, who shall serve at the  
 128 pleasure of the secretary:

129 (a) The Assistant Secretary of State shall act in the  
 130 absence of the secretary, is directly responsible to the  
 131 secretary, and shall perform such duties as are assigned by the  
 132 secretary.

133 (b) The Deputy Secretary for Cultural and Historical  
 134 Programs is responsible for those programs assigned to the  
 135 Cultural, Historical, and Grants Services entity which meet the  
 136 secretary's responsibilities as chief cultural officer.

137 (c) The Deputy Secretary for State Records is responsible  
 138 for those programs assigned to the State Library, Elections, and  
 139 Records Custodian Services entity which meet the secretary's  
 140 responsibilities as state records custodian.

141 (3) The secretary may appoint deputies and directors who  
 142 serve at his or her pleasure. The secretary may delegate to

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143 those deputies or directors responsibilities, as appropriate,  
 144 for the management, policy formulation, and functioning of  
 145 department programs.

146 (4)(a) The secretary may establish programs and offices,  
 147 each of which shall be headed by a director or other management  
 148 position who shall be appointed by and serve at the pleasure of  
 149 the secretary.

150 (b) The following programs and offices are established:

- 151 1. Art and History Programs Office.
- 152 2. Historic Preservation Programs Office.
- 153 3. Community Grants Services Office.
- 154 4. State Recording Office.
- 155 5. Elections Office.
- 156 6. State Library, Archives, and Records Services Office.
- 157 7. Administrative Support Services Office.
- 158 8. Central Computing Support Services Office.

159 ~~(2) The following divisions of the Department of State are~~  
 160 ~~established:~~

- 161 ~~(a) Division of Elections.~~
- 162 ~~(b) Division of Historical Resources.~~
- 163 ~~(c) Division of Corporations.~~
- 164 ~~(d) Division of Library and Information Services.~~
- 165 ~~(e) Division of Cultural Affairs.~~
- 166 ~~(f) Division of Administration.~~

167 (5)(3) The Department of State may adopt rules pursuant to  
 168 ss. 120.536(1) and 120.54 to administer the provisions of law  
 169 conferring duties upon the department.

170 Section 3. Section 257.015, Florida Statutes, is created  
 171 to read:

172 257.015 Definitions.--As used in this chapter, the term:

173 (1) "Department" means the Department of State.

174 (2) "Secretary" means the Secretary of State.

175 (3) "Director" means the Program Director of the State  
 176 Library, Archives, and Records Services Office.

177 (4) "State librarian" means the position to which a person  
 178 is appointed by the secretary pursuant to s. 257.031 as head of  
 179 the State Library, Archives, and Records Services.

180 Section 4. Subsection (4) of section 15.09, Florida  
 181 Statutes, is amended to read:

182 15.09 Fees.--

183 (4) All funds collected by the State Recording Office  
 184 ~~Division of Corporations~~ of the department shall be deposited in  
 185 the General Revenue Fund.

186 Section 5. Section 15.0913, Florida Statutes, is amended  
 187 to read:

188 15.0913 Performance standards.--To meet the requisite  
 189 standards of time and reliability for document filing and  
 190 information furnished by the Bureau of Uniform Commercial Code  
 191 of the State Recording Office ~~Division of Corporations~~, the  
 192 Department of State shall file all Uniform Commercial Code  
 193 documents within 3 working days after the time they are received  
 194 by the bureau.

195 Section 6. Subsection (3) of section 15.16, Florida  
 196 Statutes, is amended to read:

197 15.16 Reproduction of records; admissibility in evidence;  
 198 electronic receipt and transmission of records; certification;  
 199 acknowledgment.--

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200 (3) The Department of State may cause to be received  
201 electronically any records that are required to be filed with it  
202 ~~pursuant to chapter 55, chapter 606, chapter 607, chapter 608,~~  
203 ~~chapter 617, chapter 620, chapter 621, chapter 679, chapter 713,~~  
204 ~~or chapter 865,~~ through facsimile or other electronic transfers,  
205 for the purpose of filing such records. The originals of all  
206 such electronically transmitted records must be executed in the  
207 manner provided in paragraph (5)(b). The receipt of such  
208 electronic transfer constitutes delivery to the department as  
209 required by law.

210 Section 7. Section 15.18, Florida Statutes, is amended to  
211 read:

212 15.18 International and cultural relations.--The various  
213 offices ~~Divisions of Cultural Affairs, Historical Resources, and~~  
214 ~~Library and Information Services~~ of the Department of State  
215 promote programs having substantial cultural, artistic, and  
216 indirect economic significance that emphasize American  
217 creativity. The Secretary of State, as the head administrator of  
218 these offices ~~divisions~~, shall hereafter be known as "Florida's  
219 Chief Cultural Officer." As this officer, the Secretary of State  
220 is encouraged to initiate and develop relationships between the  
221 state and foreign cultural officers, their representatives, and  
222 other foreign governmental officials in order to promote Florida  
223 as the center of American creativity. The Secretary of State  
224 shall coordinate international activities pursuant to this  
225 section with Enterprise Florida, Inc., and any other  
226 organization the secretary deems appropriate. For the  
227 accomplishment of this purpose, the Secretary of State shall  
228 have the power and authority to:

229 (1) Disseminate any information pertaining to the State of  
 230 Florida which promotes the state's cultural assets.

231 (2) Plan and carry out activities designed to cause  
 232 improved cultural and governmental programs and exchanges with  
 233 foreign countries.

234 (3) Plan and implement cultural and social activities for  
 235 visiting foreign heads of state, diplomats, dignitaries, and  
 236 exchange groups.

237 (4) Encourage and cooperate with other public and private  
 238 organizations or groups in their efforts to promote the cultural  
 239 advantages of Florida.

240 (5) Serve as the liaison with all foreign consular and  
 241 ambassadorial corps, as well as international organizations,  
 242 that are consistent with the purposes of this section.

243 (6) Provide, arrange, and make expenditures for the  
 244 achievement of any or all of the purposes specified in this  
 245 section.

246 (7) Notwithstanding the provisions of part I of chapter  
 247 287, promulgate rules for entering into contracts which are  
 248 primarily for promotional services and events, which may include  
 249 commodities involving a service. Such rules shall include the  
 250 authority to negotiate costs with the offerors of such services  
 251 and commodities who have been determined to be qualified on the  
 252 basis of technical merit, creative ability, and professional  
 253 competency. The rules shall only apply to the expenditure of  
 254 funds donated for promotional services and events. Expenditures  
 255 of appropriated funds shall be made only in accordance with part  
 256 I of chapter 287.

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257 Section 8. Section 15.21, Florida Statutes, is amended to  
 258 read:

259 15.21 Initiative petitions; s. 3, Art. XI, State  
 260 Constitution.--The Secretary of State shall immediately submit  
 261 an initiative petition to the Attorney General and to the  
 262 Revenue Estimating Conference if the sponsor has:

263 (1) Registered as a political committee pursuant to s.  
 264 106.03;

265 (2) Submitted the ballot title, substance, and text of the  
 266 proposed revision or amendment to the Secretary of State  
 267 pursuant to ss. 100.371 and 101.161; and

268 (3) Obtained a letter from the Department of State  
 269 ~~Division of Elections~~ confirming that the sponsor has submitted  
 270 to the appropriate supervisors for verification, and the  
 271 supervisors have verified, forms signed and dated equal to 10  
 272 percent of the number of electors statewide and in at least one-  
 273 fourth of the congressional districts required by s. 3, Art. XI  
 274 of the State Constitution.

275 Section 9. Subsection (1) of section 17.27, Florida  
 276 Statutes, is amended to read:

277 17.27 Microfilming and destroying records and  
 278 correspondence.--

279 (1) The Department of Financial Services may destroy  
 280 general correspondence files and also any other records which  
 281 the department may deem no longer necessary to preserve in  
 282 accordance with retention schedules and destruction notices  
 283 established under rules of the State Library, Archives, and  
 284 Records Services Office ~~Division of Library and Information~~  
 285 ~~Services~~, records and information management program, of the

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286 Department of State. Such schedules and notices relating to  
287 financial records of the department shall be subject to the  
288 approval of the Auditor General.

289 Section 10. Paragraph (f) of subsection (3) of section  
290 20.121, Florida Statutes, is amended to read:

291 20.121 Department of Financial Services.--There is created  
292 a Department of Financial Services.

293 (3) FINANCIAL SERVICES COMMISSION.--Effective January 7,  
294 2003, there is created within the Department of Financial  
295 Services the Financial Services Commission, composed of the  
296 Governor, the Attorney General, the Chief Financial Officer, and  
297 the Commissioner of Agriculture, which shall for purposes of  
298 this section be referred to as the commission. Commission  
299 members shall serve as agency head of the Financial Services  
300 Commission. The commission shall be a separate budget entity and  
301 shall be exempt from the provisions of s. 20.052. Commission  
302 action shall be by majority vote consisting of at least three  
303 affirmative votes. The commission shall not be subject to  
304 control, supervision, or direction by the Department of  
305 Financial Services in any manner, including purchasing,  
306 transactions involving real or personal property, personnel, or  
307 budgetary matters.

308 (f) Records retention schedules.--The commission and the  
309 offices may destroy general correspondence files and also any  
310 other records that they deem no longer necessary to preserve in  
311 accordance with retention schedules and destruction notices  
312 established under rules of the State Library, Archives, and  
313 Records Services Office ~~Division of Library and Information~~  
314 ~~Services~~, records and information management program, of the

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315 Department of State. Such schedules and notices relating to  
 316 financial records of the commission and offices shall be subject  
 317 to the approval of the Auditor General.

318 Section 11. Paragraph (d) of subsection (3) of section  
 319 20.23, Florida Statutes, is amended to read:

320 20.23 Department of Transportation.--There is created a  
 321 Department of Transportation which shall be a decentralized  
 322 agency.

323 (3)

324 (d) Other offices may be established in accordance with s.  
 325 20.04(8)(7). The heads of such offices are exempt from part II  
 326 of chapter 110. No office or organization shall be created at a  
 327 level equal to or higher than a division without specific  
 328 legislative authority.

329 Section 12. Paragraph (f) of subsection (1) of section  
 330 23.22, Florida Statutes, is amended to read:

331 23.22 Paperwork reduction; activities of departments.--

332 (1) In order to reduce the amount of paperwork associated  
 333 with the collection of information from individuals, private-  
 334 sector organizations, and local governments and to provide more  
 335 efficient and effective assistance to such individuals and  
 336 organizations in completing necessary paperwork required by the  
 337 government, each department head shall, to the extent feasible:

338 (f) Collaborate with the State Library, Archives, and  
 339 Records Services Office ~~Division of Library and Information~~  
 340 ~~Services~~, pursuant to s. 119.09, to identify and index records  
 341 retention requirements placed on private-sector organizations  
 342 and local governments in Florida, clarify and reduce the  
 343 requirements, and educate the affected entities through various

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344 communications media, including voice, data, video, radio, and  
 345 image.

346 Section 13. Subsections (2) and (4) of section 28.30,  
 347 Florida Statutes, are amended to read:

348 28.30 Records; destruction; reproduction; electronic  
 349 recordkeeping.--

350 (2) The clerk of the circuit court of each county of the  
 351 state is authorized to destroy and dispose of public records  
 352 pursuant to the rules adopted by the State Library, Archives,  
 353 and Records Services Office ~~Division of Library and Information~~  
 354 ~~Services~~ of the Department of State pursuant to s. 257.36.

355 (4) The clerk of the circuit court shall follow procedures  
 356 for electronic recordkeeping in accordance with rules adopted by  
 357 the State Library, Archives, and Records Services Office  
 358 ~~Division of Library and Information Services~~ of the Department  
 359 of State.

360 Section 14. Subsection (6) of section 97.021, Florida  
 361 Statutes, is amended to read:

362 97.021 Definitions.--For the purposes of this code, except  
 363 where the context clearly indicates otherwise, the term:

364 (6) "Office Division" means the ~~Division of~~ Elections  
 365 Office of the Department of State.

366 Section 15. Effective upon the effective date of section  
 367 97.026, Florida Statutes, under section 22, chapter 2002-281,  
 368 Laws of Florida, section 97.026, Florida Statutes, is amended to  
 369 read:

370 97.026 Forms to be available in alternative formats and  
 371 via the Internet.--It is the intent of the Legislature that all  
 372 forms required to be used in chapters 97-106 shall be made

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373 available upon request, in alternative formats. Such forms shall  
 374 include absentee ballots as alternative formats for such ballots  
 375 become available and the ~~Division of Elections~~ Office is able to  
 376 certify systems that provide them. Whenever possible, such  
 377 forms, with the exception of absentee ballots, shall be made  
 378 available by the Department of State via the Internet. Sections  
 379 that contain such forms include, but are not limited to, ss.  
 380 97.051, 97.052, 97.053, 97.057, 97.058, 97.0583, 97.071, 97.073,  
 381 97.1031, 98.055, 98.075, 99.021, 100.361, 100.371, 101.045,  
 382 101.171, 101.20, 101.6103, 101.62, 101.64, 101.65, 101.657,  
 383 105.031, 106.023, and 106.087.

384 Section 16. Subsections (1), (3), and (4) of section  
 385 97.053, Florida Statutes, are amended to read:

386 97.053 Acceptance of voter registration applications.--

387 (1) Voter registration applications, changes in  
 388 registration, and requests for a replacement registration  
 389 identification card must be accepted in the office of any  
 390 supervisor, the Elections Office ~~division~~, a driver license  
 391 office, a voter registration agency, or an armed forces  
 392 recruitment office when hand delivered by the applicant or a  
 393 third party during the hours that office is open or when mailed.

394 (3) The registration date for a valid initial voter  
 395 registration application that has been hand delivered is the  
 396 date when received by a driver license office, a voter  
 397 registration agency, an armed forces recruitment office, the  
 398 Elections Office ~~division~~, or the office of any supervisor in  
 399 the state.

400 (4) The registration date for a valid initial voter  
 401 registration application that has been mailed and bears a clear

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402 postmark is the date of the postmark. If an initial voter  
403 registration application that has been mailed does not bear a  
404 postmark or if the postmark is unclear, the registration date is  
405 the date the registration is received by any supervisor or the  
406 Elections Office ~~division~~, unless it is received within 5 days  
407 after the closing of the books for an election, excluding  
408 Saturdays, Sundays, and legal holidays, in which case the  
409 registration date is the book-closing date.

410 Section 17. Subsection (2) of section 98.081, Florida  
411 Statutes, is amended to read:

412 98.081 Names removed from registration books; restrictions  
413 on reregistering; recordkeeping; restoration of erroneously or  
414 illegally removed names.--

415 (2) When the name of any elector is removed from the  
416 registration books pursuant to s. 98.065, s. 98.075, or s.  
417 98.093, the elector's original registration form shall be filed  
418 alphabetically in the office of the supervisor. As alternatives,  
419 registrations removed from the registration books may be  
420 microfilmed and such microfilms substituted for the original  
421 registration forms; or, when voter registration information,  
422 including the voter's signature, is maintained digitally or on  
423 electronic, magnetic, or optic media, such stored information  
424 may be substituted for the original registration form. Such  
425 microfilms or stored information shall be retained in the  
426 custody of the supervisor. In the event the original  
427 registration forms are microfilmed or maintained digitally or on  
428 electronic or other media, such originals may be destroyed in  
429 accordance with the schedule approved by the State Library,  
430 Archives, and Records Services Office ~~Bureau of Archives and~~

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431 ~~Records Management of the Division of Library and Information~~  
432 ~~Services~~ of the department.

433 Section 18. Paragraph (b) of subsection (1) and  
434 subsections (2) and (4) of section 98.0979, Florida Statutes,  
435 are amended to read:

436 98.0979 Statewide voter registration database open to  
437 inspection; copies.--

438 (1)

439 (b) Within 15 days after a request for voter registration  
440 information, the office division or supervisor of elections  
441 shall furnish any requested information, excluding only a  
442 voter's signature, social security number, and such other  
443 information that is by statute specifically made confidential or  
444 is exempt from public records requirements. A request for  
445 county information must be made to the supervisor of elections  
446 of that county, and a request for multicounty or statewide  
447 information must be made to the office division. A supervisor of  
448 elections is not responsible for providing any information other  
449 than information from the supervisor's own county.

450 (2) The information provided by the office division or  
451 supervisor of elections pursuant to this section shall be  
452 furnished only to:

453 (a) Municipalities;

454 (b) Other governmental agencies;

455 (c) Political candidates, for the purpose of furthering  
456 their candidacies;

457 (d) Registered political committees, certified committees  
458 of continuous existence, and political parties or officials  
459 thereof, for political purposes only; and

460 (e) Incumbent officeholders, for the purpose of reporting  
 461 to their constituents.

462 (4) Any person who acquires a list of registered voters  
 463 from the office ~~division~~ or supervisor of elections shall take  
 464 and subscribe to an oath which shall be in substantially the  
 465 following form:

466  
 467 I hereby swear (or affirm) that I am a person authorized by  
 468 s. 98.0979, Florida Statutes, to acquire information on the  
 469 registered voters of Florida; that the information acquired will  
 470 be used only for the purposes prescribed in that section and for  
 471 no other purpose; and that I will not permit the use or copying  
 472 of such information by persons not authorized by the Election  
 473 Code of the State of Florida.

474 . . . (Signature of person acquiring list) . . .

475  
 476 Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, . . .  
 477 (year) . . . .

478 . . . (Name of person providing list) . . .

479 Section 19. Section 98.101, Florida Statutes, is amended  
 480 to read:

481 98.101 Specifications for permanent registration binders,  
 482 files, and forms.--In the permanent registration system, visible  
 483 record binders, files, and registration forms shall be used as  
 484 registration books. The binders shall be visible record  
 485 binders, metal bound with built-in shifts, to hold executed  
 486 registration forms, with labelholders and followers for sheet  
 487 protection as necessary. The registration forms shall consist  
 488 of duplicates, both to be signed by the registrant. One of the

489 original executed forms shall be used for the poll binders,  
490 which binders shall have a built-in lock to protect the forms.  
491 The poll binders shall be divided in a manner convenient for  
492 electors to vote. The other original form shall be used for the  
493 office copies and arranged alphabetically, in suitable filing  
494 cabinets, thus providing a master list of all electors in the  
495 county; however, any county may, as an alternate method, use  
496 electronic data processing equipment to fulfill the requirements  
497 of this chapter. As additional alternatives, registration forms  
498 used for office copies may be microfilmed and such microfilms  
499 substituted for the original registration forms; or, when voter  
500 registration information, including the voter's signature, is  
501 maintained digitally or on electronic, magnetic, or optic media,  
502 such stored information may be substituted for the original  
503 registration form. Such microfilms or stored information shall  
504 be retained in the custody of the supervisor of elections. In  
505 the event the original registration forms are microfilmed or  
506 maintained digitally or on electronic or other media, such  
507 originals may be destroyed in accordance with the schedule  
508 approved by the State Library, Archives, and Records Services  
509 ~~Office Bureau of Archives and Records Management of the Division~~  
510 ~~of Library and Information Services~~ of the Department of State.

511 Section 20. Section 98.461, Florida Statutes, is amended  
512 to read:

513 98.461 Registration form, precinct register; contents.--A  
514 registration form, approved by the Department of State,  
515 containing the information required in s. 97.052 shall be filed  
516 alphabetically in the office of the supervisor as the master  
517 list of electors of the county. However, the registration forms

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518 may be microfilmed and such microfilms substituted for the  
519 original registration forms; or, when voter registration  
520 information, including the voter's signature, is maintained  
521 digitally or on electronic, magnetic, or optic media, such  
522 stored information may be substituted for the original  
523 registration form. Such microfilms or stored information shall  
524 be retained in the custody of the supervisor of elections. In  
525 the event the original registration forms are microfilmed or  
526 maintained digitally or on electronic or other media, such  
527 originals may be destroyed in accordance with the schedule  
528 approved by the State Library, Archives, and Records Services  
529 ~~Office Bureau of Archives and Records Management of the Division~~  
530 ~~of Library and Information Services~~ of the Department of State.  
531 As an alternative, the information from the registration form,  
532 including the signature, may be electronically reproduced and  
533 stored as provided in s. 98.451. A computer printout shall be  
534 used at the polls as a precinct register in lieu of the  
535 registration books. The precinct register shall contain the date  
536 of the election, the precinct number, and the following  
537 information concerning each registered elector: last name, first  
538 name, and middle name or initial; party affiliation; residence  
539 address; registration number; date of birth; sex, if provided;  
540 race, if provided; whether the voter needs assistance in voting;  
541 and such other additional information as to readily identify the  
542 elector. The precinct register shall also contain a space for  
543 the elector's signature and a space for the initials of the  
544 witnessing clerk or inspector.

545 Section 21. Paragraph (a) of subsection (3) of section  
546 99.097, Florida Statutes, is amended to read:

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547 99.097 Verification of signatures on petitions.--

548 (3)(a) A name on a petition, which name is not in  
 549 substantially the same form as a name on the voter registration  
 550 books, shall be counted as a valid signature if, after comparing  
 551 the signature on the petition with the signature of the alleged  
 552 signer as shown on the registration books, the supervisor  
 553 determines that the person signing the petition and the person  
 554 who registered to vote are one and the same. In any situation  
 555 in which this code requires the form of the petition to be  
 556 prescribed by the office division, no signature shall be counted  
 557 toward the number of signatures required unless it is on a  
 558 petition form prescribed by the office division.

559 Section 22. Subsection (4) of section 100.371, Florida  
 560 Statutes, is amended to read:

561 100.371 Initiatives; procedure for placement on ballot.--

562 (4) The sponsor shall submit signed and dated forms to the  
 563 appropriate supervisor of elections for verification as to the  
 564 number of registered electors whose valid signatures appear  
 565 thereon. The supervisor shall promptly verify the signatures  
 566 upon payment of the fee required by s. 99.097. Upon completion  
 567 of verification, the supervisor shall execute a certificate  
 568 indicating the total number of signatures checked, the number of  
 569 signatures verified as valid and as being of registered  
 570 electors, and the distribution by congressional district. This  
 571 certificate shall be immediately transmitted to the Secretary of  
 572 State. The supervisor shall retain the signature forms for at  
 573 least 1 year following the election in which the issue appeared  
 574 on the ballot or until the office Division of Elections notifies

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575 the supervisors of elections that the committee which circulated  
576 the petition is no longer seeking to obtain ballot position.

577 Section 23. Subsection (7) of section 101.015, Florida  
578 Statutes, is amended to read:

579 101.015 Standards for voting systems.--

580 (7) The office ~~Division of Elections~~ shall review the  
581 voting systems certification standards and ensure that new  
582 technologies are available for selection by boards of county  
583 commissioners which meet the requirements for voting systems and  
584 meet user standards. The office ~~Division of Elections~~ shall  
585 continuously review the voting systems certification standards  
586 to ensure that new technologies are appropriately certified for  
587 all elections in a timely manner. The office ~~division~~ shall also  
588 develop methods to determine the will of the public with respect  
589 to voting systems.

590 Section 24. Section 101.017, Florida Statutes, is amended  
591 to read:

592 101.017 ~~Bureau of~~ Voting systems certification.--The  
593 office ~~There is created a Bureau of Voting Systems Certification~~  
594 ~~within the Division of Elections of the Department of State~~  
595 ~~which~~ shall provide technical support to the supervisors of  
596 elections and ~~which~~ is responsible for voting system standards  
597 and certification. The positions necessary for the office  
598 ~~bureau~~ to accomplish its duties under this section shall be  
599 established through the budgetary process.

600 Section 25. Section 101.293, Florida Statutes, is amended  
601 to read:

602 101.293 Competitive sealed bids and proposals required.--

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603 (1) Any purchase of voting equipment, the individual or  
 604 combined retail value of which is in excess of the threshold  
 605 amount for CATEGORY TWO purchases provided in s. 287.017, by a  
 606 governing body shall be by means of competitive sealed bids or  
 607 competitive sealed proposals from at least two bidders, except  
 608 under the following conditions:

609 (a) If a majority of the governing body agrees by vote  
 610 that an emergency situation exists in regard to the purchase of  
 611 such equipment to the extent that the potential benefits derived  
 612 from competitive sealed bids or competitive sealed proposals are  
 613 outweighed by the detrimental effects of a delay in the  
 614 acquisition of such equipment; or

615 (b) If a majority of the governing body finds that there  
 616 is but a single source from which suitable equipment may be  
 617 obtained.

618  
 619 If such conditions are found to exist, the chair of the  
 620 governing body shall certify to the office ~~Division of Elections~~  
 621 the situation and conditions requiring an exception to the  
 622 competitive sealed bidding and competitive sealed proposal  
 623 requirements of this section. Such certification shall be  
 624 maintained on file by the office ~~division~~.

625 (2) The office ~~Division of Elections of the Department of~~  
 626 ~~State~~ shall establish bidding procedures for carrying out the  
 627 provisions and the intent of ss. 101.292-101.295, and each  
 628 governing body shall follow the procedures so established.

629 Section 26. Section 101.294, Florida Statutes, is amended  
 630 to read:

631 101.294 Purchase and sale of voting equipment.--

632           (1) The office ~~Division of Elections of the Department of~~  
 633 ~~State~~ shall adopt uniform rules for the purchase, use, and sale  
 634 of voting equipment in the state. No governing body shall  
 635 purchase or cause to be purchased any voting equipment unless  
 636 such equipment has been certified for use in this state by the  
 637 Department of State.

638           (2) Any governing body contemplating the purchase or sale  
 639 of voting equipment shall notify the office ~~Division of~~  
 640 ~~Elections~~ of such considerations. The office ~~division~~ shall  
 641 attempt to coordinate the sale of excess or outmoded equipment  
 642 by one county with purchases of necessary equipment by other  
 643 counties.

644           (3) The office ~~division~~ shall inform the governing bodies  
 645 of the various counties of the state of the availability of new  
 646 or used voting equipment and of sources available for obtaining  
 647 such equipment.

648           Section 27. Section 101.545, Florida Statutes, is amended  
 649 to read:

650           101.545 Retention and destruction of certain election  
 651 materials.--All ballots, forms, and other election materials  
 652 shall be retained in the custody of the supervisor of elections  
 653 in accordance with the schedule approved by the State Library,  
 654 Archives, and Records Services Office ~~Division of Library and~~  
 655 ~~Information Services~~ of the Department of State. All unused  
 656 ballots, forms, and other election materials may, with the  
 657 approval of the Department of State, be destroyed by the  
 658 supervisor after the election for which such ballots, forms, or  
 659 other election materials were to be used.

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660 Section 28. Subsection (4) of section 101.5608, Florida  
 661 Statutes, is amended to read:

662 101.5608 Voting by electronic or electromechanical method;  
 663 procedures.--

664 (4) In any election in which a write-in candidate has  
 665 qualified for office, the supervisor of elections shall provide  
 666 for write-in voting pursuant to rules adopted by the office  
 667 ~~Division of Elections~~.

668 Section 29. Subsection (5) of section 101.5614, Florida  
 669 Statutes, is amended to read:

670 101.5614 Canvass of returns.--

671 (5) If any absentee ballot is physically damaged so that  
 672 it cannot properly be counted by the automatic tabulating  
 673 equipment, a true duplicate copy shall be made of the damaged  
 674 ballot in the presence of witnesses and substituted for the  
 675 damaged ballot. Likewise, a duplicate ballot shall be made of an  
 676 absentee ballot containing an overvoted race or a marked  
 677 absentee ballot in which every race is undervoted which shall  
 678 include all valid votes as determined by the canvassing board  
 679 based on rules adopted by the office ~~division~~ pursuant to s.  
 680 102.166(5). All duplicate ballots shall be clearly labeled  
 681 "duplicate," bear a serial number which shall be recorded on the  
 682 defective ballot, and be counted in lieu of the defective  
 683 ballot. After a ballot has been duplicated, the defective ballot  
 684 shall be placed in an envelope provided for that purpose, and  
 685 the duplicate ballot shall be tallied with the other ballots for  
 686 that precinct.

687 Section 30. Subsection (3) of section 101.694, Florida  
 688 Statutes, is amended to read:

689           101.694 Mailing of ballots upon receipt of federal  
690 postcard application.--

691           (3) There shall be printed across the face of each  
692 envelope in which a ballot is sent to a federal postcard  
693 applicant, or is returned by such applicant to the supervisor,  
694 two parallel horizontal red bars, each one-quarter inch wide,  
695 extending from one side of the envelope to the other side, with  
696 an intervening space of one-quarter inch, the top bar to be 1  
697 1/4 inches from the top of the envelope, and with the words  
698 "Official Election Balloting Material-via Air Mail," or similar  
699 language, between the bars. There shall be printed in the upper  
700 right corner of each such envelope, in a box, the words "Free of  
701 U. S. Postage, including Air Mail." All printing on the face of  
702 each envelope shall be in red, and there shall be printed in red  
703 in the upper left corner of each ballot envelope an appropriate  
704 inscription or blanks for return address of sender. Additional  
705 specifications may be prescribed by rule of the office ~~Division~~  
706 ~~of Elections~~ upon recommendation of the presidential designee  
707 under the Uniformed and Overseas Citizens Absentee Voting Act.  
708 Otherwise, the envelopes shall be the same as those used in  
709 sending ballots to, or receiving them from, other absentee  
710 voters.

711           Section 31. Subsection (2) of section 101.732, Florida  
712 Statutes, is amended to read:

713           101.732 Definitions relating to Elections Emergency  
714 Act.--As used in ss. 101.731-101.74:

715           (2) "Office ~~Division~~" means the ~~Division~~ of Elections  
716 Office of the department ~~of State~~.

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717 Section 32. Subsection (3) of section 101.733, Florida  
718 Statutes, is amended to read:

719 101.733 Election emergency; purpose; elections emergency  
720 contingency plan.--Because of the existing and continuing  
721 possibility of an emergency or common disaster occurring before  
722 or during a regularly scheduled or special election, and in  
723 order to ensure maximum citizen participation in the electoral  
724 process and provide a safe and orderly procedure for persons  
725 seeking to exercise their right to vote, generally to minimize  
726 to whatever degree possible a person's exposure to danger during  
727 declared states of emergency, and to protect the integrity of  
728 the electoral process, it is hereby found and declared to be  
729 necessary to designate a procedure for the emergency suspension  
730 or delay and rescheduling of elections.

731 (3) The office ~~Division of Elections of the Department of~~  
732 ~~State~~ shall adopt, by rule, an elections emergency contingency  
733 plan, which shall contain goals and policies that give specific  
734 direction to state and local elections officials when an  
735 election has been suspended or delayed due to an emergency. The  
736 contingency plan shall be statewide in scope and shall address,  
737 but not be limited to, the following concerns:

738 (a) Providing a procedure for state and local elections  
739 officials to follow when an election has been suspended or  
740 delayed to ensure notice of the suspension or delay to the  
741 proper authorities, the electorate, the communications media,  
742 poll workers, and the custodians of polling places.

743 (b) Providing a procedure for the orderly conduct of a  
744 rescheduled election, whether municipal, county, district, or  
745 statewide in scope; coordinating those efforts with the

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746 appropriate elections official, and the members of the governing  
747 body holding such election, if appropriate; and working with the  
748 appropriate emergency management officials in determining the  
749 safety of existing polling places or designating additional  
750 polling places.

751 (c) Providing a procedure for the release and  
752 certification of election returns to the department for  
753 elections suspended or delayed and subsequently rescheduled  
754 under the provisions of ss. 101.731-101.74.

755 Section 33. Subsection (2) of section 102.111, Florida  
756 Statutes, is amended to read:

757 102.111 Elections Canvassing Commission.--

758 (2) The office ~~Division of Elections~~ shall provide the  
759 staff services required by the Elections Canvassing Commission.

760 Section 34. Subsection (8) of section 102.141, Florida  
761 Statutes, is amended to read:

762 102.141 County canvassing board; duties.--

763 (8) At the same time that the results of an election are  
764 certified to the Department of State, the county canvassing  
765 board shall file a report with the office ~~Division of Elections~~  
766 on the conduct of the election. The report shall contain  
767 information relating to any problems incurred as a result of  
768 equipment malfunctions either at the precinct level or at a  
769 counting location, any difficulties or unusual circumstances  
770 encountered by an election board or the canvassing board, and  
771 any other additional information which the canvassing board  
772 feels should be made a part of the official election record.  
773 Such reports shall be maintained on file in the office ~~Division~~  
774 ~~of Elections~~ and shall be available for public inspection. The

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775 office ~~division~~ shall use ~~utilize~~ the reports submitted by the  
776 canvassing boards to determine what problems may be likely to  
777 occur in other elections and disseminate such information, along  
778 with possible solutions, to the supervisors of elections.

779 Section 35. Subsection (1) of section 105.031, Florida  
780 Statutes, is amended to read:

781 105.031 Qualification; filing fee; candidate's oath; items  
782 required to be filed.--

783 (1) TIME OF QUALIFYING.--Except for candidates for  
784 judicial office, nonpartisan candidates for multicounty office  
785 shall qualify with the ~~Division of~~ Elections Office of the  
786 Department of State and nonpartisan candidates for countywide or  
787 less than countywide office shall qualify with the supervisor of  
788 elections. Candidates for judicial office other than the office  
789 of county court judge shall qualify with the ~~Division of~~  
790 Elections Office of the Department of State, and candidates for  
791 the office of county court judge shall qualify with the  
792 supervisor of elections of the county. Candidates for judicial  
793 office shall qualify no earlier than noon of the 120th day, and  
794 no later than noon of the 116th day, before the first primary  
795 election. Candidates for the office of school board member shall  
796 qualify no earlier than noon of the 50th day, and no later than  
797 noon of the 46th day, before the first primary election. Filing  
798 shall be on forms provided for that purpose by the ~~Division of~~  
799 Elections Office and furnished by the appropriate qualifying  
800 officer. Any person seeking to qualify by the alternative  
801 method, as set forth in s. 105.035, if the person has submitted  
802 the necessary petitions by the required deadline and is notified  
803 after the fifth day prior to the last day for qualifying that

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804 the required number of signatures has been obtained, shall be  
805 entitled to subscribe to the candidate's oath and file the  
806 qualifying papers at any time within 5 days from the date he or  
807 she is notified that the necessary number of signatures has been  
808 obtained. Any person other than a write-in candidate who  
809 qualifies within the time prescribed in this subsection shall be  
810 entitled to have his or her name printed on the ballot.

811 Section 36. Subsections (1) and (2) and paragraph (a) of  
812 subsection (4) of section 105.035, Florida Statutes, are amended  
813 to read:

814 105.035 Alternative method of qualifying for certain  
815 judicial offices and the office of school board member.--

816 (1) A person seeking to qualify for election to the office  
817 of circuit judge or county court judge or the office of school  
818 board member may qualify for election to such office by means of  
819 the petitioning process prescribed in this section. A person  
820 qualifying by this alternative method shall not be required to  
821 pay the qualifying fee required by this chapter. A person using  
822 this petitioning process shall file an oath with the officer  
823 before whom the candidate would qualify for the office stating  
824 that he or she intends to qualify by this alternative method for  
825 the office sought. Such oath shall be filed at any time after  
826 the first Tuesday after the first Monday in January of the year  
827 in which the election is held, but prior to the 21st day  
828 preceding the first day of the qualifying period for the office  
829 sought. The form of such oath shall be prescribed by the  
830 ~~Division of Elections~~ Office. No signatures shall be obtained  
831 until the person has filed the oath prescribed in this  
832 subsection.

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833           (2) Upon receipt of a written oath from a candidate, the  
834 qualifying officer shall provide the candidate with a petition  
835 format prescribed by the ~~Division of~~ Elections Office to be used  
836 by the candidate to reproduce petitions for circulation. If the  
837 candidate is running for an office which will be grouped on the  
838 ballot with two or more similar offices to be filled at the same  
839 election, the candidate's petition must indicate, prior to the  
840 obtaining of registered electors' signatures, for which group or  
841 district office the candidate is running.

842           (4)(a) Each candidate seeking to qualify for election to  
843 the office of circuit judge or the office of school board member  
844 from a multicounty school district pursuant to this section  
845 shall file a separate petition from each county from which  
846 signatures are sought. Each petition shall be submitted, prior  
847 to noon of the 21st day preceding the first day of the  
848 qualifying period for the office sought, to the supervisor of  
849 elections of the county for which such petition was circulated.

850           Each supervisor of elections to whom a petition is submitted  
851 shall check the signatures on the petition to verify their  
852 status as electors of that county and of the geographic area  
853 represented by the office sought. Prior to the first date for  
854 qualifying, the supervisor shall certify the number shown as  
855 registered electors and submit such certification to the  
856 ~~Division of~~ Elections Office. The office ~~division~~ shall  
857 determine whether the required number of signatures has been  
858 obtained for the name of the candidate to be placed on the  
859 ballot and shall notify the candidate. If the required number  
860 of signatures has been obtained, the candidate shall, during the  
861 time prescribed for qualifying for office, submit a copy of such

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862 notice and file his or her qualifying papers and oath prescribed  
 863 in s. 105.031 with the ~~Division of Elections~~ Office. Upon  
 864 receipt of the copy of such notice and qualifying papers, the  
 865 Elections Office ~~division~~ shall certify the name of the  
 866 candidate to the appropriate supervisor or supervisors of  
 867 elections as having qualified for the office sought.

868 Section 37. Subsection (5) of section 105.036, Florida  
 869 Statutes, is amended to read:

870 105.036 Initiative for method of selection for circuit or  
 871 county court judges; procedures for placement on ballot.--

872 (5) No later than 5 p.m. 151 days prior to the general  
 873 election at which the proposed judicial selection initiative is  
 874 to be voted on, the sponsor shall submit signed and dated forms  
 875 to the appropriate supervisor of elections for verification as  
 876 to the number of registered electors whose valid signatures  
 877 appear thereon. The supervisor shall promptly verify the  
 878 signatures upon payment of the fee or filing of the undue burden  
 879 oath required by s. 99.097. Verification must be completed at  
 880 least 91 days prior to the general election. Upon completion of  
 881 verification, the supervisor shall execute a certificate  
 882 indicating the total number of signatures checked and the number  
 883 of signatures verified as valid and as being of registered  
 884 electors of the applicable county or circuit. This certificate  
 885 must be immediately transmitted to the Secretary of State for  
 886 petitions related to the method of selection of circuit court  
 887 judges. The supervisor must retain the signature forms for at  
 888 least 1 year following the election in which the issue appeared  
 889 on the ballot or until the committee that circulated the  
 890 petition is no longer seeking to obtain ballot position as

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891 determined by the office ~~Division of Elections~~ for circuit court  
 892 petitions or by the supervisor of elections for county court  
 893 petitions.

894 Section 38. Paragraph (b) of subsection (2) of section  
 895 105.041, Florida Statutes, is amended to read:

896 105.041 Form of ballot.--

897 (2) LISTING OF CANDIDATES.--

898 (b)1. The names of candidates for the office of circuit  
 899 judge shall be listed on the first primary ballot in the order  
 900 determined by lot conducted by the director of the ~~Division of~~  
 901 Elections Office ~~of the Department of State~~ after the close of  
 902 the qualifying period.

903 2. Candidates who have secured a position on the general  
 904 election ballot, after having survived elimination at the first  
 905 primary, shall have their names listed in the same order as on  
 906 the first primary ballot, notwithstanding the elimination of any  
 907 intervening names as a result of the first primary.

908 Section 39. Subsection (12) of section 106.011, Florida  
 909 Statutes, is amended to read:

910 106.011 Definitions.--As used in this chapter, the  
 911 following terms have the following meanings unless the context  
 912 clearly indicates otherwise:

913 (12) "Office Division" means the ~~Division of~~ Elections  
 914 Office of the Department of State.

915 Section 40. Paragraph (a) of subsection (1) of section  
 916 106.021, Florida Statutes, is amended to read:

917 106.021 Campaign treasurers; deputies; primary and  
 918 secondary depositories.--

919 (1)(a) Each candidate for nomination or election to office  
 920 and each political committee shall appoint a campaign treasurer.  
 921 Each person who seeks to qualify for nomination or election to,  
 922 or retention in, office shall appoint a campaign treasurer and  
 923 designate a primary campaign depository prior to qualifying for  
 924 office. Any person who seeks to qualify for election or  
 925 nomination to any office by means of the petitioning process  
 926 shall appoint a treasurer and designate a primary depository on  
 927 or before the date he or she obtains the petitions. Each  
 928 candidate shall at the same time he or she designates a campaign  
 929 depository and appoints a treasurer also designate the office  
 930 for which he or she is a candidate. If the candidate is running  
 931 for an office which will be grouped on the ballot with two or  
 932 more similar offices to be filled at the same election, the  
 933 candidate must indicate for which group or district office he or  
 934 she is running. Nothing in this subsection shall prohibit a  
 935 candidate, at a later date, from changing the designation of the  
 936 office for which he or she is a candidate. However, if a  
 937 candidate changes the designated office for which he or she is a  
 938 candidate, the candidate must notify all contributors in writing  
 939 of the intent to seek a different office and offer to return pro  
 940 rata, upon their request, those contributions given in support  
 941 of the original office sought. This notification shall be given  
 942 within 15 days after the filing of the change of designation and  
 943 shall include a standard form developed by the office ~~Division~~  
 944 ~~of Elections~~ for requesting the return of contributions. The  
 945 notice requirement shall not apply to any change in a numerical  
 946 designation resulting solely from redistricting. If, within 30  
 947 days after being notified by the candidate of the intent to seek

948 a different office, the contributor notifies the candidate in  
 949 writing that the contributor wishes his or her contribution to  
 950 be returned, the candidate shall return the contribution, on a  
 951 pro rata basis, calculated as of the date the change of  
 952 designation is filed. Any contributions not requested to be  
 953 returned within the 30-day period may be used by the candidate  
 954 for the newly designated office. No person shall accept any  
 955 contribution or make any expenditure with a view to bringing  
 956 about his or her nomination, election, or retention in public  
 957 office, or authorize another to accept such contributions or  
 958 make such expenditure on the person's behalf, unless such person  
 959 has appointed a campaign treasurer and designated a primary  
 960 campaign depository. A candidate for an office voted upon  
 961 statewide may appoint not more than 15 deputy campaign  
 962 treasurers, and any other candidate or political committee may  
 963 appoint not more than 3 deputy campaign treasurers. The names  
 964 and addresses of the campaign treasurer and deputy campaign  
 965 treasurers so appointed shall be filed with the officer before  
 966 whom such candidate is required to qualify or with whom such  
 967 political committee is required to register pursuant to s.  
 968 106.03. Each candidate who qualifies with the Department of  
 969 State for an office not voted upon statewide shall, at the same  
 970 time, file a copy of the name and address of the campaign  
 971 treasurer with the supervisor of elections in the county in  
 972 which the candidate resides.

973 Section 41. Paragraphs (a) and (d) of subsection (3) and  
 974 subsection (7) of section 106.03, Florida Statutes, are amended  
 975 to read:

976 106.03 Registration of political committees.--

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977 (3)(a) A political committee which is organized to support  
978 or oppose statewide, legislative, or multicounty candidates or  
979 issues to be voted upon on a statewide or multicounty basis  
980 shall file a statement of organization with the office ~~Division~~  
981 ~~of Elections~~.

982 (d) Any political committee which would be required under  
983 this subsection to file a statement of organization in two or  
984 more locations by reason of the committee's intention to support  
985 or oppose candidates or issues at state or multicounty and local  
986 levels of government need file only with the office ~~Division of~~  
987 ~~Elections~~.

988 (7) The office ~~Division of Elections~~ shall adopt  
989 ~~promulgate~~ rules to prescribe the manner in which inactive  
990 committees may be dissolved and have their registration  
991 canceled. Such rules shall, at a minimum, provide for:

992 (a) Notice which shall contain the facts and conduct which  
993 warrant the intended action, including but not limited to  
994 failure to file reports and limited activity.

995 (b) Adequate opportunity to respond.

996 (c) Appeal of the decision to the Florida Elections  
997 Commission. Such appeals shall be exempt from the  
998 confidentiality provisions of s. 106.25.

999 Section 42. Subsections (2), (3), (4), (6), and (7) of  
1000 section 106.04, Florida Statutes, are amended to read:

1001 106.04 Committees of continuous existence.--

1002 (2) Any group, organization, association, or other entity  
1003 may seek certification from the Department of State as a  
1004 committee of continuous existence by filing an application with  
1005 the office ~~Division of Elections~~ on a form provided by the

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1006 office ~~division~~. Such application shall provide the information  
1007 required of political committees by s. 106.03(2). Each  
1008 application shall be accompanied by the name and street address  
1009 of the principal officer of the applying entity as of the date  
1010 of the application; a copy of the charter or bylaws of the  
1011 organization; a copy of the dues or assessment schedule of the  
1012 organization, or formula by which dues or assessments are  
1013 levied; and a complete financial statement or annual audit  
1014 summarizing all income received, and all expenses incurred, by  
1015 the organization during the 12 months preceding the date of  
1016 application. A membership list shall be made available for  
1017 inspection if deemed necessary by the office ~~division~~.

1018 (3) If the office ~~Division of Elections~~ finds that an  
1019 applying organization meets the criteria for a committee of  
1020 continuous existence as provided by subsection (1), it shall  
1021 certify such findings and notify the applying organization of  
1022 such certification. If it finds that an applying organization  
1023 does not meet the criteria for certification, it shall notify  
1024 the organization of such findings and shall state the reasons  
1025 why such criteria are not met.

1026 (4)(a) Each committee of continuous existence shall file  
1027 an annual report with the office ~~Division of Elections~~ during  
1028 the month of January. Such annual reports shall contain the  
1029 same information and shall be accompanied by the same materials  
1030 as original applications filed pursuant to subsection (2).  
1031 However, the charter or bylaws need not be filed if the annual  
1032 report is accompanied by a sworn statement by the chair that no  
1033 changes have been made to such charter or bylaws since the last  
1034 filing.

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1035 (b)1. Each committee of continuous existence shall file  
 1036 regular reports with the office ~~Division of Elections~~ at the  
 1037 same times and subject to the same filing conditions as are  
 1038 established by s. 106.07(1) and (2) for candidates' reports.

1039 2. Any committee of continuous existence failing to so  
 1040 file a report with the office ~~Division of Elections~~ pursuant to  
 1041 this paragraph on the designated due date shall be subject to a  
 1042 fine for late filing as provided by this section.

1043 (c) All committees of continuous existence shall file the  
 1044 original and one copy of their reports with the office ~~Division~~  
 1045 ~~of Elections~~. In addition, a duplicate copy of each report  
 1046 shall be filed with the supervisor of elections in the county in  
 1047 which the committee maintains its books and records, except that  
 1048 if the filing officer to whom the committee is required to  
 1049 report is located in the same county as the supervisor no such  
 1050 duplicate report is required to be filed with the supervisor.  
 1051 Reports shall be on forms provided by the office ~~division~~ and  
 1052 shall contain the following information:

1053 1. The full name, address, and occupation of each person  
 1054 who has made one or more contributions to the committee during  
 1055 the reporting period, together with the amounts and dates of  
 1056 such contributions. For corporations, the report must provide  
 1057 as clear a description as practicable of the principal type of  
 1058 business conducted by the corporation. However, if the  
 1059 contribution is \$100 or less, the occupation of the contributor  
 1060 or principal type of business need not be listed. However, for  
 1061 any contributions which represent the payment of dues by members  
 1062 in a fixed amount pursuant to the schedule on file with the  
 1063 office ~~Division of Elections~~, only the aggregate amount of such

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1064 contributions need be listed, together with the number of  
 1065 members paying such dues and the amount of the membership dues.

1066 2. The name and address of each political committee or  
 1067 committee of continuous existence from which the reporting  
 1068 committee received, or the name and address of each political  
 1069 committee, committee of continuous existence, or political party  
 1070 to which it made, any transfer of funds, together with the  
 1071 amounts and dates of all transfers.

1072 3. Any other receipt of funds not listed pursuant to  
 1073 subparagraph 1. or subparagraph 2., including the sources and  
 1074 amounts of all such funds.

1075 4. The name and address of, and office sought by, each  
 1076 candidate to whom the committee has made a contribution during  
 1077 the reporting period, together with the amount and date of each  
 1078 contribution.

1079 (d) The treasurer of each committee shall certify as to  
 1080 the correctness of each report and shall bear the responsibility  
 1081 for its accuracy and veracity. Any treasurer who willfully  
 1082 certifies to the correctness of a report while knowing that such  
 1083 report is incorrect, false, or incomplete commits a misdemeanor  
 1084 of the first degree, punishable as provided in s. 775.082 or s.  
 1085 775.083.

1086 (6) All accounts and records of a committee of continuous  
 1087 existence may be inspected under reasonable circumstances by any  
 1088 authorized representative of the office ~~Division of Elections~~ or  
 1089 the Florida Elections Commission. The right of inspection may  
 1090 be enforced by appropriate writ issued by any court of competent  
 1091 jurisdiction.

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1092 (7) If a committee of continuous existence ceases to meet  
 1093 the criteria prescribed by subsection (1), the office Division  
 1094 ~~of Elections~~ shall revoke its certification until such time as  
 1095 the criteria are again met. The office Division ~~of Elections~~  
 1096 shall adopt ~~promulgate~~ rules to prescribe the manner in which  
 1097 such certification shall be revoked. Such rules shall, at a  
 1098 minimum, provide for:

1099 (a) Notice, which shall contain the facts and conduct that  
 1100 warrant the intended action.

1101 (b) Adequate opportunity to respond.

1102 (c) Appeal of the decision to the Florida Elections  
 1103 Commission. Such appeals shall be exempt from the  
 1104 confidentiality provisions of s. 106.25.

1105 Section 43. Subsection (2) of section 106.06, Florida  
 1106 Statutes, is amended to read:

1107 106.06 Treasurer to keep records; inspections.--

1108 (2) Accounts, including separate interest-bearing accounts  
 1109 and certificates of deposit, kept by the campaign treasurer of a  
 1110 candidate or political committee may be inspected under  
 1111 reasonable circumstances before, during, or after the election  
 1112 to which the accounts refer by any authorized representative of  
 1113 the office Division ~~of Elections~~ or the Florida Elections  
 1114 Commission. The right of inspection may be enforced by  
 1115 appropriate writ issued by any court of competent jurisdiction.  
 1116 The campaign treasurer of a political committee supporting a  
 1117 candidate may be joined with the campaign treasurer of the  
 1118 candidate as respondent in such a proceeding.

1119 Section 44. Subsection (6) and paragraph (a) of subsection  
 1120 (8) of section 106.07, Florida Statutes, are amended to read:

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1121 106.07 Reports; certification and filing.--

1122 (6) The campaign depository shall return all checks drawn  
1123 on the account to the campaign treasurer who shall retain the  
1124 records pursuant to s. 106.06. The records maintained by the  
1125 depository with respect to such account shall be subject to  
1126 inspection by an agent of the office ~~Division of Elections~~ or  
1127 the Florida Elections Commission at any time during normal  
1128 banking hours, and such depository shall furnish certified  
1129 copies of any of such records to the office ~~Division of~~  
1130 ~~Elections~~ or Florida Elections Commission upon request.

1131 (8)(a) Any candidate or political committee failing to  
1132 file a report on the designated due date shall be subject to a  
1133 fine as provided in paragraph(b) for each late day, and, in the  
1134 case of a candidate, such fine shall be paid only from personal  
1135 funds of the candidate. The fine shall be assessed by the  
1136 filing officer and the moneys collected shall be deposited:

1137 1. In the Elections Commission Trust Fund, in the case of  
1138 a candidate for state office or a political committee that  
1139 registers with the office ~~Division of Elections~~; or

1140 2. In the general revenue fund of the political  
1141 subdivision, in the case of a candidate for an office of a  
1142 political subdivision or a political committee that registers  
1143 with an officer of a political subdivision.

1144  
1145 No separate fine shall be assessed for failure to file a copy of  
1146 any report required by this section.

1147 Section 45. Paragraph (a) of subsection (2) of section  
1148 106.11, Florida Statutes, is amended to read:

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1149           106.11 Expenses of and expenditures by candidates and  
 1150 political committees.--Each candidate and each political  
 1151 committee which designates a primary campaign depository  
 1152 pursuant to s. 106.021(1) shall make expenditures from funds on  
 1153 deposit in such primary campaign depository only in the  
 1154 following manner, with the exception of expenditures made from  
 1155 petty cash funds provided by s. 106.12:

1156           (2)(a) For purposes of this section, debit cards are  
 1157 considered bank checks, if:

1158           1. Debit cards are obtained from the same bank that has  
 1159 been designated as the candidate's or political committee's  
 1160 primary campaign depository.

1161           2. Debit cards are issued in the name of the treasurer,  
 1162 deputy treasurer, or authorized user and state "Campaign Account  
 1163 of . . . (name of candidate or political committee) . . . ."

1164           3. No more than three debit cards are requested and  
 1165 issued.

1166           4. Before a debit card is used, a list of all persons  
 1167 authorized to use the card is filed with the office ~~division~~.

1168           5. All debit cards issued to a candidate's campaign or a  
 1169 political committee expire no later than midnight of the last  
 1170 day of the month of the general election.

1171           6. The person using the debit card does not receive cash  
 1172 as part of, or independent of, any transaction for goods or  
 1173 services.

1174           7. All receipts for debit card transactions contain:

1175           a. The last four digits of the debit card number.

1176           b. The exact amount of the expenditure.

1177           c. The name of the payee.

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1178 d. The signature of the campaign treasurer, deputy  
1179 treasurer, or authorized user.

1180 e. The exact purpose for which the expenditure is  
1181 authorized.

1182  
1183 Any information required by this subparagraph but not included  
1184 on the debit card transaction receipt may be handwritten on, or  
1185 attached to, the receipt by the authorized user before  
1186 submission to the treasurer.

1187 Section 46. Paragraph (a) of subsection (7) and subsection  
1188 (8) of section 106.141, Florida Statutes, are amended to read:

1189 106.141 Disposition of surplus funds by candidates.--

1190 (7)(a) Any candidate required to dispose of campaign funds  
1191 pursuant to this section shall do so within the time required by  
1192 this section and shall, on or before the date by which such  
1193 disposition is to have been made, file with the officer with  
1194 whom reports are required to be filed pursuant to s. 106.07 a  
1195 form prescribed by the office ~~Division of Elections~~ listing:

1196 1. The name and address of each person or unit of  
1197 government to whom any of the funds were distributed and the  
1198 amounts thereof;

1199 2. The name and address of each person to whom an  
1200 expenditure was made, together with the amount thereof and  
1201 purpose therefor; and

1202 3. The amount of such funds transferred to an office  
1203 account by the candidate, together with the name and address of  
1204 the bank in which the office account is located.

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1206 Such report shall be signed by the candidate and the campaign  
 1207 treasurer and certified as true and correct pursuant to s.  
 1208 106.07.

1209 (8) Any candidate elected to office who transfers surplus  
 1210 campaign funds into an office account pursuant to subsection (5)  
 1211 shall file a report on the 10th day following the end of each  
 1212 calendar quarter until the account is closed. Such reports shall  
 1213 contain the name and address of each person to whom any  
 1214 disbursement of funds was made, together with the amount thereof  
 1215 and the purpose therefor, and the name and address of any person  
 1216 from whom the elected candidate received any refund or  
 1217 reimbursement and the amount thereof. Such reports shall be on  
 1218 forms prescribed by the office ~~Division of Elections~~, signed by  
 1219 the elected candidate, certified as true and correct, and filed  
 1220 with the officer with whom campaign reports were filed pursuant  
 1221 to s. 106.07(2).

1222 Section 47. Subsections (1) and (3) of section 106.1475,  
 1223 Florida Statutes, are amended to read:

1224 106.1475 Telephone solicitation; registered agent  
 1225 requirements; penalty.--

1226 (1) Any person or organization that conducts any business  
 1227 in this state which consists of making paid telephone calls  
 1228 supporting or opposing any candidate or elected public official  
 1229 must, prior to conducting such business, have and continuously  
 1230 maintain, for at least 180 days following the cessation of such  
 1231 business activities in the state, a registered agent for the  
 1232 purpose of any service of process, notice, or demand required or  
 1233 authorized by law and must file with the office ~~division~~ a  
 1234 notice of such registered agent. Such registered agent must be

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1235 an individual who is a resident of this state, a domestic  
 1236 corporation, or a foreign corporation authorized to do business  
 1237 in this state. However, this subsection does not apply to any  
 1238 person or organization already lawfully registered to conduct  
 1239 business in this state.

1240 (3)(a) The office ~~division~~ shall create and maintain forms  
 1241 for the notice required by subsection (1), which, at a minimum,  
 1242 must elicit all of the following information:

1243 1. The name, address, and telephone number of the  
 1244 registered agent.

1245 2. The name, address, and telephone number of the person  
 1246 or organization conducting business in this state as specified  
 1247 in subsection (1).

1248 (b) The person or organization conducting business in this  
 1249 state as specified in subsection (1) must immediately notify the  
 1250 office ~~division~~ of any changes in the information required in  
 1251 paragraph(a).

1252 Section 48. Section 106.22, Florida Statutes, is amended  
 1253 to read:

1254 106.22 Duties of the ~~Division of Elections~~ Office.--It is  
 1255 the duty of the ~~Division of Elections~~ Office to:

1256 (1) Prescribe forms for statements and other information  
 1257 required to be filed by this chapter. Such forms shall be  
 1258 furnished by the Department of State or office of the supervisor  
 1259 of elections to persons required to file such statements and  
 1260 information with such agency.

1261 (2) Prepare and publish manuals or brochures setting forth  
 1262 recommended uniform methods of bookkeeping and reporting, and

1263 including appropriate portions of the election code, for use by  
 1264 persons required by this chapter to file statements.

1265 (3) Develop a filing, coding, and cross-indexing system  
 1266 consonant with the purposes of this chapter.

1267 (4) Preserve statements and other information required to  
 1268 be filed with the office ~~division~~ pursuant to this chapter for a  
 1269 period of 10 years from date of receipt.

1270 (5) Prepare and publish such reports as it may deem  
 1271 appropriate.

1272 (6) Make, from time to time, audits and field  
 1273 investigations with respect to reports and statements filed  
 1274 under the provisions of this chapter and with respect to alleged  
 1275 failures to file any report or statement required under the  
 1276 provisions of this chapter. The office ~~division~~ shall conduct a  
 1277 postelection audit of the campaign accounts of all candidates  
 1278 receiving contributions from the Election Campaign Financing  
 1279 Trust Fund.

1280 (7) Report to the Florida Elections Commission any failure  
 1281 to file a report or information required by this chapter or any  
 1282 apparent violation of this chapter.

1283 (8) Employ such personnel or contract for such services as  
 1284 are necessary to adequately carry out the intent of this  
 1285 chapter.

1286 (9) Prescribe rules and regulations to carry out the  
 1287 provisions of this chapter. Such rules shall be prescribed  
 1288 pursuant to chapter 120.

1289 (10) Make an annual report to the President of the Senate  
 1290 and the Speaker of the House of Representatives concerning

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1291 activities of the office ~~division~~ and recommending improvements  
 1292 in the election code.

1293 (11) Conduct preliminary investigations into any  
 1294 irregularities or fraud involving voter registration or voting  
 1295 and report its findings to the state attorney for the judicial  
 1296 circuit in which the alleged violation occurred for prosecution,  
 1297 where warranted. The Department of State may prescribe by rule  
 1298 requirements for filing a complaint of voter fraud and for  
 1299 investigating any such complaint.

1300 (12) Conduct random audits with respect to reports and  
 1301 statements filed under this chapter and with respect to alleged  
 1302 failure to file any reports and statements required under this  
 1303 chapter.

1304 Section 49. Section 106.23, Florida Statutes, is amended  
 1305 to read:

1306 106.23 Powers of the ~~Division of~~ Elections Office.--

1307 (1) In order to carry out the responsibilities prescribed  
 1308 by s. 106.22, the ~~Division of~~ Elections Office is empowered to  
 1309 subpoena and bring before its duly authorized representatives  
 1310 any person in the state, or any person doing business in the  
 1311 state, or any person who has filed or is required to have filed  
 1312 any application, document, papers, or other information with an  
 1313 office or agency of this state or a political subdivision  
 1314 thereof and to require the production of any papers, books, or  
 1315 other records relevant to any investigation, including the  
 1316 records and accounts of any bank or trust company doing business  
 1317 in this state. Duly authorized representatives of the office  
 1318 ~~division~~ are empowered to administer all oaths and affirmations  
 1319 in the manner prescribed by law to witnesses who shall appear

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1320 before them concerning any relevant matter. Should any witness  
 1321 fail to respond to the lawful subpoena of the office ~~division~~  
 1322 or, having responded, fail to answer all lawful inquiries or to  
 1323 turn over evidence that has been subpoenaed, the office ~~division~~  
 1324 may file a complaint before any circuit court of the state  
 1325 setting up such failure on the part of the witness. On the  
 1326 filing of such complaint, the court shall take jurisdiction of  
 1327 the witness and the subject matter of said complaint and shall  
 1328 direct the witness to respond to all lawful questions and to  
 1329 produce all documentary evidence in the witness's possession  
 1330 which is lawfully demanded. The failure of any witness to comply  
 1331 with such order of the court shall constitute a direct and  
 1332 criminal contempt of court, and the court shall punish said  
 1333 witness accordingly. However, the refusal by a witness to  
 1334 answer inquiries or turn over evidence on the basis that such  
 1335 testimony or material will tend to incriminate such witness  
 1336 shall not be deemed refusal to comply with the provisions of  
 1337 this chapter.

1338 (2) The office ~~Division of Elections~~ shall provide  
 1339 advisory opinions when requested by any supervisor of elections,  
 1340 candidate, local officer having election-related duties,  
 1341 political party, political committee, committee of continuous  
 1342 existence, or other person or organization engaged in political  
 1343 activity, relating to any provisions or possible violations of  
 1344 Florida election laws with respect to actions such supervisor,  
 1345 candidate, local officer having election-related duties,  
 1346 political party, committee, person, or organization has taken or  
 1347 proposes to take. Requests for advisory opinions must be  
 1348 submitted in accordance with rules adopted by the Department of

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1349 State. A written record of all such opinions issued by the  
 1350 office ~~division~~, sequentially numbered, dated, and indexed by  
 1351 subject matter, shall be retained. A copy shall be sent to said  
 1352 person or organization upon request. Any such person or  
 1353 organization, acting in good faith upon such an advisory  
 1354 opinion, shall not be subject to any criminal penalty provided  
 1355 for in this chapter. The opinion, until amended or revoked,  
 1356 shall be binding on any person or organization who sought the  
 1357 opinion or with reference to whom the opinion was sought, unless  
 1358 material facts were omitted or misstated in the request for the  
 1359 advisory opinion.

1360 Section 50. Subsection (6) of section 106.24, Florida  
 1361 Statutes, is amended to read:

1362 106.24 Florida Elections Commission; membership; powers;  
 1363 duties.--

1364 (6) There is ~~hereby~~ established in the State Treasury an  
 1365 Elections Commission Trust Fund to be used ~~utilized~~ by the  
 1366 office ~~Division of Elections~~ and the Florida Elections  
 1367 Commission in order to carry out their duties pursuant to ss.  
 1368 106.24-106.28. The trust fund may also be used by the office  
 1369 ~~division~~, pursuant to its authority under s. 106.22(11), to  
 1370 provide rewards for information leading to criminal convictions  
 1371 related to voter registration fraud, voter fraud, and vote  
 1372 scams.

1373 Section 51. Subsections (2) and (4) of section 106.25,  
 1374 Florida Statutes, are amended to read:

1375 106.25 Reports of alleged violations to Florida Elections  
 1376 Commission; disposition of findings.--

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1377           (2) The commission shall investigate all violations of  
1378 this chapter and chapter 104, but only after having received  
1379 either a sworn complaint or information reported to it by the  
1380 office ~~Division of Elections~~. Any person, other than the office  
1381 ~~division~~, having information of any violation of this chapter or  
1382 chapter 104 shall file a sworn complaint with the commission.  
1383 Such sworn complaint shall state whether a complaint of the same  
1384 violation has been made to any state attorney. Within 5 days  
1385 after receipt of a sworn complaint, the commission shall  
1386 transmit a copy of the complaint to the alleged violator. All  
1387 sworn complaints alleging violations of the Florida Election  
1388 Code over which the commission has jurisdiction shall be filed  
1389 with the commission within 2 years of the alleged violations.  
1390 The period of limitations is tolled on the day a sworn complaint  
1391 is filed with the commission.

1392           (4) The commission shall undertake a preliminary  
1393 investigation to determine if the facts alleged in a sworn  
1394 complaint or a matter initiated by the office ~~division~~  
1395 constitute probable cause to believe that a violation has  
1396 occurred. Upon completion of the preliminary investigation, the  
1397 commission shall, by written report, find probable cause or no  
1398 probable cause to believe that this chapter or chapter 104 has  
1399 been violated.

1400           (a) If no probable cause is found, the commission shall  
1401 dismiss the case and the case shall become a matter of public  
1402 record, except as otherwise provided in this section, together  
1403 with a written statement of the findings of the preliminary  
1404 investigation and a summary of the facts which the commission  
1405 shall send to the complainant and the alleged violator.

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1406 (b) If probable cause is found, the commission shall so  
 1407 notify the complainant and the alleged violator in writing. All  
 1408 documents made or received in the disposition of the complaint  
 1409 shall become public records upon a finding by the commission.

1410  
 1411 In a case where probable cause is found, the commission shall  
 1412 make a preliminary determination to consider the matter or to  
 1413 refer the matter to the state attorney for the judicial circuit  
 1414 in which the alleged violation occurred.

1415 Section 52. Subsections (1) and (13) of section 106.26,  
 1416 Florida Statutes, are amended to read:

1417 106.26 Powers of commission; rights and responsibilities  
 1418 of parties; findings by commission.--

1419 (1) The commission shall, pursuant to rules adopted and  
 1420 published in accordance with chapter 120, consider all sworn  
 1421 complaints filed with it and all matters reported to it by the  
 1422 office ~~Division of Elections~~. In order to carry out the  
 1423 responsibilities prescribed by this chapter, the commission is  
 1424 empowered to subpoena and bring before it, or its duly  
 1425 authorized representatives, any person in the state, or any  
 1426 person doing business in the state, or any person who has filed  
 1427 or is required to have filed any application, document, papers,  
 1428 or other information with an office or agency of this state or a  
 1429 political subdivision thereof and to require the production of  
 1430 any papers, books, or other records relevant to any  
 1431 investigation, including the records and accounts of any bank or  
 1432 trust company doing business in this state. Duly authorized  
 1433 representatives of the commission are empowered to administer  
 1434 all oaths and affirmations in the manner prescribed by law to

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1435 witnesses who shall appear before them concerning any relevant  
1436 matter. Should any witness fail to respond to the lawful  
1437 subpoena of the commission or, having responded, fail to answer  
1438 all lawful inquiries or to turn over evidence that has been  
1439 subpoenaed, the commission may file a complaint before any  
1440 circuit court of the state setting up such failure on the part  
1441 of the witness. On the filing of such complaint, the court  
1442 shall take jurisdiction of the witness and the subject matter of  
1443 said complaint and shall direct the witness to respond to all  
1444 lawful questions and to produce all documentary evidence in the  
1445 witness's possession which is lawfully demanded. The failure of  
1446 any witness to comply with such order of the court shall  
1447 constitute a direct and criminal contempt of court, and the  
1448 court shall punish said witness accordingly. However, the  
1449 refusal by a witness to answer inquiries or turn over evidence  
1450 on the basis that such testimony or material will tend to  
1451 incriminate such witness shall not be deemed refusal to comply  
1452 with the provisions of this chapter. The sheriffs in the several  
1453 counties shall make such service and execute all process or  
1454 orders when required by the commission. Sheriffs shall be paid  
1455 for these services by the commission as provided for in s.  
1456 30.231. Any person who is served with a subpoena to attend a  
1457 hearing of the commission also shall be served with a general  
1458 statement informing him or her of the subject matter of the  
1459 commission's investigation or inquiry and a notice that he or  
1460 she may be accompanied at the hearing by counsel of his or her  
1461 own choosing.

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1462           (13) The commission may not issue advisory opinions and  
1463 must, in all its deliberations and decisions, adhere to  
1464 statutory law and advisory opinions of the office ~~division~~.

1465           Section 53. Subsection (1) of section 106.29, Florida  
1466 Statutes, is amended to read:

1467           106.29 Reports by political parties; restrictions on  
1468 contributions and expenditures; penalties.--

1469           (1) The state executive committee and each county  
1470 executive committee of each political party regulated by chapter  
1471 103 shall file regular reports of all contributions received and  
1472 all expenditures made by such committee. Such reports shall  
1473 contain the same information as do reports required of  
1474 candidates by s. 106.07 and shall be filed on the 10th day  
1475 following the end of each calendar quarter, except that, during  
1476 the period from the last day for candidate qualifying until the  
1477 general election, such reports shall be filed on the Friday  
1478 immediately preceding the first primary election, the second  
1479 primary election, and the general election. Each state  
1480 executive committee shall file the original and one copy of its  
1481 reports with the office ~~Division of Elections~~. Each county  
1482 executive committee shall file its reports with the supervisor  
1483 of elections in the county in which such committee exists. Any  
1484 state or county executive committee failing to file a report on  
1485 the designated due date shall be subject to a fine as provided  
1486 in subsection (3). No separate fine shall be assessed for  
1487 failure to file a copy of any report required by this section.

1488           Section 54. Section 106.33, Florida Statutes, is amended  
1489 to read:

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1490           106.33 Election campaign financing; eligibility.--Each  
 1491 candidate for the office of Governor or member of the Cabinet  
 1492 who desires to receive contributions from the Election Campaign  
 1493 Financing Trust Fund shall, upon qualifying for office, file a  
 1494 request for such contributions with the filing officer on forms  
 1495 provided by the office ~~Division of Elections~~. If a candidate  
 1496 requesting contributions from the fund desires to have such  
 1497 funds distributed by electronic fund transfers, the request  
 1498 shall include information necessary to implement that procedure.  
 1499 For the purposes of ss. 106.30-106.36, candidates for Governor  
 1500 and Lieutenant Governor on the same ticket shall be considered  
 1501 as a single candidate. To be eligible to receive contributions  
 1502 from the fund, a candidate may not be an unopposed candidate as  
 1503 defined in s. 106.011(15) and must:

1504           (1) Agree to abide by the expenditure limits provided in  
 1505 s. 106.34.

1506           (2)(a) Raise contributions as follows:

1507           1. One hundred fifty thousand dollars for a candidate for  
 1508 Governor.

1509           2. One hundred thousand dollars for a candidate for  
 1510 Cabinet office.

1511           (b) Contributions from individuals who at the time of  
 1512 contributing are not state residents may not be used to meet the  
 1513 threshold amounts in paragraph (a). For purposes of this  
 1514 paragraph, any person validly registered to vote in this state  
 1515 shall be considered a state resident.

1516           (3) Limit loans or contributions from the candidate's  
 1517 personal funds to \$25,000 and contributions from national,  
 1518 state, and county executive committees of a political party to

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1519 \$25,000 in the aggregate, which loans or contributions shall not  
 1520 qualify for meeting the threshold amounts in subsection (2).

1521 (4) Submit to a postelection audit of the campaign account  
 1522 by the office ~~division~~.

1523 Section 55. Subsections (1), (3), and (5) of section  
 1524 106.35, Florida Statutes, are amended to read:

1525 106.35 Distribution of funds.--

1526 (1) The office ~~division~~ shall review each request for  
 1527 contributions from the Election Campaign Financing Trust Fund  
 1528 and certify whether the candidate is eligible for such  
 1529 contributions. Notice of the certification decision shall be  
 1530 provided to the candidate. An adverse decision may be appealed  
 1531 to the Florida Elections Commission. The office ~~division~~ shall  
 1532 adopt rules providing a procedure for such appeals.

1533 (3)(a) Certification and distribution of funds shall be  
 1534 based on contributions to the candidate reported to the office  
 1535 ~~division~~ for such purpose. The office ~~division~~ shall review  
 1536 each report and verify the amount of funds to be distributed  
 1537 prior to authorizing the release of funds. The office ~~division~~  
 1538 may prescribe separate reporting forms for candidates for  
 1539 Governor and Cabinet officer.

1540 (b) Notwithstanding the provisions of s. 106.11, a  
 1541 candidate who is eligible for a distribution of funds based upon  
 1542 qualifying matching contributions received and certified to the  
 1543 office ~~division~~ on the report due on the 4th day prior to the  
 1544 election, may obligate funds not to exceed the amount which the  
 1545 campaign treasurer's report shows the candidate is eligible to  
 1546 receive from the Election Campaign Financing Trust Fund without  
 1547 the funds actually being on deposit in the campaign account.

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1548 (5) The office ~~division~~ shall adopt rules providing for  
1549 the weekly reports and certification and distribution of funds  
1550 pursuant thereto required by this section. Such rules shall, at  
1551 a minimum, provide for:

1552 (a) Specifications for printed campaign treasurer's  
1553 reports outlining the format for such reports, including size of  
1554 paper, typeface, color of print, and placement of required  
1555 information on the form.

1556 (b)1. Specifications for electronically transmitted  
1557 campaign treasurer's reports outlining communication parameters  
1558 and protocol, data record formats, and provisions for ensuring  
1559 security of data and transmission.

1560 2. All electronically transmitted campaign treasurer's  
1561 reports must also be filed in printed format. Printed format  
1562 shall not include campaign treasurer's reports submitted by  
1563 electronic facsimile transmission.

1564 Section 56. Paragraph (b) of subsection (2) of section  
1565 111.012, Florida Statutes, is amended to read:

1566 111.012 Testimonials for public officers.--

1567 (2)

1568 (b) Such notice, in the case of a state or multicounty  
1569 district officer, shall be filed with the ~~Division of Elections~~  
1570 Office or, in the case of any other public officer, with the  
1571 supervisor of elections of the county in which such officer  
1572 resides. Such notice shall state the date and place the  
1573 testimonial is to be held, the name and address of the person or  
1574 persons in charge of the testimonial, the name and address of  
1575 the officer in whose honor or on whose behalf the testimonial is

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1576 to be held, the purpose for which the testimonial is to be held,  
 1577 and the purpose for which the funds raised are to be used.

1578 Section 57. Subsection (4) of section 119.01, Florida  
 1579 Statutes, is amended to read:

1580 119.01 General state policy on public records.--

1581 (4) Each agency shall establish a program for the disposal  
 1582 of records that do not have sufficient legal, fiscal,  
 1583 administrative, or archival value in accordance with retention  
 1584 schedules established by the records and information management  
 1585 program of the State Library, Archives, and Records Services  
 1586 ~~Office Division of Library and Information Services~~ of the  
 1587 Department of State.

1588 Section 58. Subsection (1) of section 119.041, Florida  
 1589 Statutes, is amended to read:

1590 119.041 Destruction of records regulated.--

1591 (1) Every public official shall systematically dispose of  
 1592 records no longer needed, subject to the consent of the records  
 1593 and information management program of the State Library,  
 1594 Archives, and Records Services Office ~~Division of Library and~~  
 1595 ~~Information Services~~ of the Department of State in accordance  
 1596 with s. 257.36.

1597 Section 59. Section 119.05, Florida Statutes, is amended  
 1598 to read:

1599 119.05 Disposition of records at end of official's  
 1600 term.--Whoever has the custody of any public records shall, at  
 1601 the expiration of his or her term of office, deliver to his or  
 1602 her successor or, if there be none, to the records and  
 1603 information management program of the State Library, Archives,  
 1604 and Records Services Office ~~Division of Library and Information~~

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1605 ~~Services~~ of the Department of State all records, books,  
1606 writings, letters, and documents kept or received by him or her  
1607 in the transaction of official business.

1608 Section 60. Section 119.09, Florida Statutes, is amended  
1609 to read:

1610 119.09 Assistance of the ~~Division of Library and~~  
1611 ~~Information Services, records and information management~~  
1612 ~~program, of the~~ Department of State.--The State Library,  
1613 Archives, and Records Services Office ~~Division of Library and~~  
1614 ~~Information Services, records and information management~~  
1615 program, of the Department of State shall have the right to  
1616 examine into the condition of public records and shall give  
1617 advice and assistance to public officials in the solution of  
1618 their problems of preserving, creating, filing, and making  
1619 available the public records in their custody. Public officials  
1620 shall assist the office division ~~by~~ preparing an inclusive  
1621 inventory of categories of public records in their custody. The  
1622 office division ~~shall~~ establish a time period for the retention  
1623 or disposal of each series of records. Upon the completion of  
1624 the inventory and schedule, the office division shall (subject  
1625 to the availability of necessary space, staff, and other  
1626 facilities for such purposes) make space available in its  
1627 records center for the filing of semicurrent records so  
1628 scheduled and in its archives for noncurrent records of  
1629 permanent value and shall render such other assistance as  
1630 needed, including the microfilming of records so scheduled.

1631 Section 61. Section 119.092, Florida Statutes, is amended  
1632 to read:

1633           119.092 Registration by federal employer's registration  
 1634 number.--Each state agency which registers or licenses  
 1635 corporations, partnerships, or other business entities shall  
 1636 include, by July 1, 1978, within its numbering system, the  
 1637 federal employer's identification number of each corporation,  
 1638 partnership, or other business entity registered or licensed by  
 1639 it. Any state agency may maintain a dual numbering system in  
 1640 which the federal employer's identification number or the state  
 1641 agency's own number is the primary identification number;  
 1642 however, the records of such state agency shall be designed in  
 1643 such a way that the record of any business entity is subject to  
 1644 direct location by the federal employer's identification number.  
 1645 The Department of State shall keep a registry of federal  
 1646 employer's identification numbers of all business entities,  
 1647 registered with the State Recording Office ~~Division of~~  
 1648 ~~Corporations~~, which registry of numbers may be used by all state  
 1649 agencies.

1650           Section 62. Paragraph (a) of subsection (4) of section  
 1651 120.55, Florida Statutes, is amended to read:

1652           120.55 Publication.--

1653           (4)(a) Each year the Department of State shall furnish the  
 1654 Florida Administrative Weekly, without charge and upon request,  
 1655 as follows:

1656           1. One subscription to each federal and state court having  
 1657 jurisdiction over the residents of the state; the Legislative  
 1658 Library; each state university library; the State Library and  
 1659 Archives of Florida; each depository library designated pursuant  
 1660 to s. 257.05; and each standing committee of the Senate and  
 1661 House of Representatives and each state legislator.

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1662 2. Two subscriptions to each state department.

1663 3. Three subscriptions to the library of the Supreme Court  
 1664 of Florida, the library of each state district court of appeal,  
 1665 the division, the library of the Attorney General, each law  
 1666 school library in Florida, the Secretary of the Senate, and the  
 1667 Clerk of the House of Representatives.

1668 4. Ten subscriptions to the committee.

1669 Section 63. Subsection (3) of section 145.09, Florida  
 1670 Statutes, is amended to read:

1671 145.09 Supervisor of elections.--

1672 (3)(a) There shall be an additional \$2,000 per year  
 1673 special qualification salary for each supervisor of elections  
 1674 who has met the certification requirements established by the  
 1675 ~~Division of Elections~~ Office of the Department of State. Any  
 1676 supervisor who is certified during a calendar year shall receive  
 1677 in that year a pro rata share of the special qualification  
 1678 salary based on the remaining period of the year.

1679 (b) In order to qualify for the special qualification  
 1680 salary described in paragraph (a), the supervisor must complete  
 1681 the requirements established by the ~~Division of Elections~~ Office  
 1682 within 6 years after first taking office.

1683 (c) After a supervisor meets the requirements of paragraph  
 1684 (a), in order to remain certified the supervisor shall  
 1685 thereafter be required to complete each year a course of  
 1686 continuing education as prescribed by the office ~~division~~.

1687 Section 64. Paragraph (a) of subsection (6) of section  
 1688 193.505, Florida Statutes, is amended to read:

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1689           193.505 Assessment of historically significant property  
 1690 when development rights have been conveyed or historic  
 1691 preservation restrictions have been covenanted.--

1692           (6)(a) Improved real property shall be qualified as  
 1693 historically significant only if:

1694           1. The property is listed on the national register of  
 1695 historic places pursuant to the National Historic Preservation  
 1696 Act of 1966, as amended, 16 U.S.C. s. 470; or is within a  
 1697 certified locally ordinated district pursuant to s.  
 1698 48(g)(3)(B)(ii), Internal Revenue Code; or has been found to be  
 1699 historically significant in accordance with the intent of and  
 1700 for purposes of this section by the Department of State ~~Division~~  
 1701 ~~of Historical Resources existing~~ under chapter 267, or any  
 1702 successor agency, or by the historic preservation board existing  
 1703 under chapter 266, if any, in the jurisdiction of which the  
 1704 property lies; and

1705           2. The owner of the property has applied to such  
 1706 department ~~division~~ or board for qualification pursuant to this  
 1707 section.

1708           Section 65. Subsection (6), paragraphs (c) and (d) of  
 1709 subsection (8), paragraph (b) of subsection (11), and paragraph  
 1710 (b) of subsection (12) of section 196.1997, Florida Statutes,  
 1711 are amended to read:

1712           196.1997 Ad valorem tax exemptions for historic  
 1713 properties.--

1714           (6) The ordinance shall designate either a local historic  
 1715 preservation office or the ~~Division of Historical Resources of~~  
 1716 ~~the~~ Department of State to review applications for exemptions.  
 1717 The local historic preservation office or the Department of

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1718 State ~~division~~, whichever is applicable, must recommend that the  
1719 board of county commissioners or the governing authority of the  
1720 municipality grant or deny the exemption. Such reviews must be  
1721 conducted in accordance with rules adopted by the Department of  
1722 State. The recommendation, and the reasons therefor, must be  
1723 provided to the applicant and to the governing entity before  
1724 consideration of the application at an official meeting of the  
1725 governing entity. For the purposes of this section, local  
1726 historic preservation offices must be approved and certified by  
1727 the Department of State.

1728 (8) Any person, firm, or corporation that desires an ad  
1729 valorem tax exemption for the improvement of a historic property  
1730 must, in the year the exemption is desired to take effect, file  
1731 with the board of county commissioners or the governing  
1732 authority of the municipality a written application on a form  
1733 prescribed by the Department of State. The application must  
1734 include the following information:

1735 (c) Proof, to the satisfaction of the designated local  
1736 historic preservation office or the Department of State ~~Division~~  
1737 ~~of Historical Resources~~, whichever is applicable, that the  
1738 property that is to be rehabilitated or renovated is a historic  
1739 property under this section.

1740 (d) Proof, to the satisfaction of the designated local  
1741 historic preservation office or the Department of State ~~Division~~  
1742 ~~of Historical Resources~~, whichever is applicable, that the  
1743 improvements to the property will be consistent with the United  
1744 States Secretary of Interior's Standards for Rehabilitation and  
1745 will be made in accordance with guidelines developed by the  
1746 Department of State.

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1747 (11) Property is qualified for an exemption under this  
 1748 section if:

1749 (b) The local historic preservation office or the  
 1750 Department of State ~~Division of Historical Resources~~, whichever  
 1751 is applicable, has certified to the local governing authority  
 1752 that the property for which an exemption is requested satisfies  
 1753 paragraph (a).

1754 (12) In order for an improvement to a historic property to  
 1755 qualify the property for an exemption, the improvement must:

1756 (b) Be determined by the Department of State ~~Division of~~  
 1757 ~~Historical Resources~~ or the local historic preservation office,  
 1758 whichever is applicable, to meet criteria established in rules  
 1759 adopted by the Department of State.

1760 Section 66. Subsection (2) of section 196.1998, Florida  
 1761 Statutes, is amended to read:

1762 196.1998 Additional ad valorem tax exemptions for historic  
 1763 properties open to the public.--

1764 (2) In addition to meeting the criteria established in  
 1765 rules adopted by the Department of State under s. 196.1997, a  
 1766 historic property is qualified for an exemption under this  
 1767 section if the Department of State ~~Division of Historical~~  
 1768 ~~Resources~~, or the local historic preservation office, whichever  
 1769 is applicable, determines that the property meets the criteria  
 1770 established in rules adopted by the Department of State under  
 1771 this section.

1772 Section 67. Subsection (1) of section 205.023, Florida  
 1773 Statutes, is amended to read:

1774 205.023 Requirement to report status of fictitious name  
 1775 registration.--As a prerequisite to receiving a local

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1776 occupational license under this chapter or transferring a  
 1777 business license under s. 205.033(2) or s. 205.043(2), the  
 1778 applicant or new owner must present to the county or  
 1779 municipality that has jurisdiction to issue or transfer the  
 1780 license either:

1781 (1) A copy of the applicant's or new owner's current  
 1782 fictitious name registration, issued by the State Recording  
 1783 Office ~~Division of Corporations~~ of the Department of State; or

1784 Section 68. Paragraph (b) of subsection (7) and subsection  
 1785 (14) of section 213.053, Florida Statutes, are amended to read:

1786 213.053 Confidentiality and information sharing.--

1787 (7) Notwithstanding any other provision of this section,  
 1788 the department may provide:

1789 (b) Names, addresses, and dates of commencement of  
 1790 business activities of corporations to the State Recording  
 1791 Office ~~Division of Corporations~~ of the Department of State in  
 1792 the conduct of its official duties.

1793  
 1794 Disclosure of information under this subsection shall be  
 1795 pursuant to a written agreement between the executive director  
 1796 and the agency. Such agencies, governmental or nongovernmental,  
 1797 shall be bound by the same requirements of confidentiality as  
 1798 the Department of Revenue. Breach of confidentiality is a  
 1799 misdemeanor of the first degree, punishable as provided by s.  
 1800 775.082 or s. 775.083.

1801 (14)(a) Notwithstanding any other provision of this  
 1802 section, the department shall, subject to the safeguards  
 1803 specified in paragraph (c), disclose to the State Recording  
 1804 Office ~~Division of Corporations~~ of the Department of State the

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1805 name, address, federal employer identification number, and  
 1806 duration of tax filings with this state of all corporate or  
 1807 partnership entities which are not on file or have a dissolved  
 1808 status with the State Recording Office ~~Division of Corporations~~  
 1809 and which have filed tax returns pursuant to either chapter 199  
 1810 or chapter 220.

1811 (b) The State Recording Office ~~Division of Corporations~~  
 1812 shall use such information only in the pursuit of its official  
 1813 duties relative to nonqualified foreign or dissolved  
 1814 corporations in the recovery of fees and penalties due and owing  
 1815 the state.

1816 (c) All information exchanged between the State Recording  
 1817 Office ~~Division of Corporations~~ and the department shall be  
 1818 subject to the same requirements of confidentiality as the  
 1819 Department of Revenue.

1820 Section 69. Subsection (2) of section 213.50, Florida  
 1821 Statutes, is amended to read:

1822 213.50 Failure to comply; revocation of corporate charter;  
 1823 refusal to reinstate charter.--

1824 (2) A request for reinstatement of a corporate charter may  
 1825 not be granted by the State Recording Office ~~Division of~~  
 1826 ~~Corporations~~ of the Department of State if an outstanding tax  
 1827 warrant has existed for that corporation for more than 3  
 1828 consecutive months.

1829 Section 70. Paragraph (q) of subsection (4) of section  
 1830 215.20, Florida Statutes, is amended to read:

1831 215.20 Certain income and certain trust funds to  
 1832 contribute to the General Revenue Fund.--

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1833 (4) The income of a revenue nature deposited in the  
 1834 following described trust funds, by whatever name designated, is  
 1835 that from which the appropriations authorized by subsection (3)  
 1836 shall be made:

1837 (q) Within the Department of State:

1838 1. The Records Management Trust Fund.

1839 2. The trust funds administered by the department which  
 1840 relate to ~~Division of~~ historical resources.

1841  
 1842 The enumeration of the foregoing moneys or trust funds shall not  
 1843 prohibit the applicability thereto of s. 215.24 should the  
 1844 Governor determine that for the reasons mentioned in s. 215.24  
 1845 the money or trust funds should be exempt herefrom, as it is the  
 1846 purpose of this law to exempt income from its force and effect  
 1847 when, by the operation of this law, federal matching funds or  
 1848 contributions or private grants to any trust fund would be lost  
 1849 to the state.

1850 Section 71. Paragraph (e) of subsection (7) of section  
 1851 253.025, Florida Statutes, is amended to read:

1852 253.025 Acquisition of state lands for purposes other than  
 1853 preservation, conservation, and recreation.--

1854 (7)

1855 (e)1. The board of trustees shall adopt by rule the method  
 1856 for determining the value of parcels sought to be acquired by  
 1857 state agencies pursuant to this section. No offer by a state  
 1858 agency, except an offer by an agency acquiring lands pursuant to  
 1859 s. 259.041, may exceed the value for that parcel as determined  
 1860 pursuant to the highest approved appraisal or the value

1861 determined pursuant to the rules of the board of trustees,  
 1862 whichever value is less.

1863 2. In the case of a joint acquisition by a state agency  
 1864 and a local government or other entity apart from the state, the  
 1865 joint purchase price may not exceed 150 percent of the value for  
 1866 a parcel as determined in accordance with the limits prescribed  
 1867 in subparagraph 1. The state agency share of a joint purchase  
 1868 offer may not exceed what the agency may offer singly as  
 1869 prescribed by subparagraph 1.

1870 3. The provisions of this paragraph do not apply to the  
 1871 acquisition of historically unique or significant property as  
 1872 determined by the ~~Division of Historical Resources of the~~  
 1873 Department of State.

1874 Section 72. Subsection (6) of section 253.027, Florida  
 1875 Statutes, is amended to read:

1876 253.027 Emergency archaeological property acquisition.--

1877 (6) INITIATION OF PURCHASE.--The Board of Trustees of the  
 1878 Internal Improvement Trust Fund shall consider the purchase of  
 1879 lands pursuant to this section upon its own motion or upon a  
 1880 written request by any person, corporation, organization, or  
 1881 agency. The request shall contain the following information:

1882 (a) The name, address, and phone number of the person  
 1883 making the request.

1884 (b) A legal description of the property, or if one is not  
 1885 readily available, a physical description sufficient to identify  
 1886 its general location.

1887 (c) The name and address of the owner if it is different  
 1888 from the requester.

1889 (d) An indication of the owner's willingness to sell.

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1890 (e) A statement showing why the property is in imminent  
 1891 danger of being destroyed or substantially altered and why state  
 1892 acquisition is necessary.

1893 (f) A statement showing why the property is archaeological  
 1894 property of major statewide significance that meets the criteria  
 1895 for purchase within the requirements of this section.

1896 (g) If archaeological resources are sought to be protected  
 1897 from the result of imminent construction activities, a list of  
 1898 the local, state, or federal laws that might otherwise be  
 1899 available to protect the resource, and a short statement of the  
 1900 reason the laws are not available to protect the resource.

1901  
 1902 The written request shall be filed with the Division of State  
 1903 Lands and the Department of State ~~Division of Historical~~  
 1904 ~~Resources~~. If the director of the ~~either~~ division or the  
 1905 director's designee or the Secretary of State or the secretary's  
 1906 designee finds that the request substantially complies with the  
 1907 requirements of this section, it shall be placed on the next  
 1908 Board of Trustees of the Internal Improvement Trust Fund agenda  
 1909 following receipt without the need for notice; provided,  
 1910 however, that each Cabinet officer shall have received copies of  
 1911 the request at least 24 hours before the meeting. Should the  
 1912 Board of Trustees of the Internal Improvement Trust Fund agree  
 1913 to consider the request, it shall approve a plan for future  
 1914 actions that may lead to acquisition of the property as soon as  
 1915 possible thereafter.

1916 Section 73. Section 257.01, Florida Statutes, is amended  
 1917 to read:

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1918           257.01   State Library and Archives of Florida; creation;  
 1919   administration.--There is created and established the State  
 1920   Library and Archives of Florida which shall be located at the  
 1921   capital.   The State Library and Archives of Florida shall be  
 1922   administered by the State Library, Archives, and Records  
 1923   Services Office ~~Division of Library and Information Services~~ of  
 1924   the Department of State.

1925           Section 74.   Section 257.02, Florida Statutes, is amended  
 1926   to read:

1927           257.02   State Library Council.--

1928           (1)   There shall be a State Library Council to advise and  
 1929   assist the State Library, Archives, and Records Services Office  
 1930   ~~Division of Library and Information Services~~ on its programs and  
 1931   activities.   The council shall consist of nine ~~seven~~ members who  
 1932   shall be appointed by the Secretary of State.   At least one  
 1933   member of the council must represent a Florida library, an  
 1934   archive, and a records management professional association ~~be a~~  
 1935   ~~person who is 60 years of age or older~~; and at least one member  
 1936   of the council must be a person who is not, and has never been,  
 1937   employed in a library or in teaching library science courses.  
 1938   Members shall be appointed for 4-year terms. A vacancy on the  
 1939   council shall be filled for the period of the unexpired term. No  
 1940   person may be appointed to serve more than two consecutive terms  
 1941   as a member of the council.   The Secretary of State may remove  
 1942   from office any council member for malfeasance, misfeasance,  
 1943   neglect of duty, incompetence, permanent inability to perform  
 1944   official duties, or pleading guilty or nolo contendere to, or  
 1945   being found guilty of, a felony. ~~In addition to, and at the~~  
 1946   ~~request of, the members of the council appointed by the~~

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1947 ~~Secretary of State, the president elect of the Florida Library~~  
 1948 ~~Association may serve as a member of the council in a nonvoting~~  
 1949 ~~capacity during his or her term as president elect.~~

1950 (2) Members of the council shall serve without  
 1951 compensation or honorarium but shall be entitled to receive  
 1952 reimbursement for per diem and travel expenses as provided in s.  
 1953 112.061. The council shall meet at the call of its chair, at  
 1954 the request of a majority of its membership, at the request of  
 1955 the Secretary of State ~~division~~, or at such times as are ~~may be~~  
 1956 prescribed by its rules.

1957 (3) The Secretary of State may, in making appointments,  
 1958 consult Florida's library, archival, or records management  
 1959 community ~~the Florida Library Association~~ and related  
 1960 organizations for suggestions as to persons having special  
 1961 knowledge and interest concerning libraries.

1962 (4) The officers of the State Library Council shall be a  
 1963 chair, elected from the members thereof, and the State  
 1964 Librarian, who shall serve without voting rights as secretary of  
 1965 the council.

1966 Section 75. Section 257.031, Florida Statutes, is amended  
 1967 to read:

1968 257.031 State Librarian Organization of council;  
 1969 ~~appointment and duties of State Librarian.--~~

1970 (1) ~~The officers of the State Library Council shall be a~~  
 1971 ~~chair, elected from the members thereof, and the State~~  
 1972 ~~Librarian, who shall serve without voting rights as secretary of~~  
 1973 ~~the council.~~ The State Librarian shall be appointed by the  
 1974 Secretary of State, shall have completed a library school  
 1975 program accredited by the American Library Association, and

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1976 shall serve as the head ~~director~~ of the State Library, Archives,  
 1977 and Records Services Office ~~Division of Library and Information~~  
 1978 ~~Services~~ of the Department of State. The Secretary of State  
 1979 may, in making the appointment of State Librarian, consult the  
 1980 members of the State Library Council.

1981 (2) The State Librarian shall:

1982 (a) Keep a record of the proceedings of the State Library  
 1983 Council;

1984 (b) In coordination with established advisory bodies of  
 1985 the department, recommend to the Secretary of State approval of  
 1986 the award of library grants under ss. 257.14-257.25 and ss.  
 1987 257.40-257.42 ~~Keep an accurate account of the financial~~  
 1988 ~~transactions of the division~~;

1989 (c) Have charge of the work of the State Library,  
 1990 Archives, and Records Services Office ~~division~~ in organizing new  
 1991 libraries and improving those already established; ~~and~~

1992 (d) In general, perform such duties as may, from time to  
 1993 time, be assigned to him or her by the Secretary of State; ~~and-~~

1994 (e) Manage operations of the library development,  
 1995 archives, information, and records management programs.

1996 Section 76. Section 257.04, Florida Statutes, is amended  
 1997 to read:

1998 257.04 Publications, pictures, and other documents  
 1999 received to constitute part of State Library and Archives of  
 2000 Florida; powers and duties of Department of State ~~Division of~~  
 2001 ~~Library and Information Services~~.--

2002 (1) All books, pictures, documents, publications, and  
 2003 manuscripts received through gifts, purchase, or exchange, or on  
 2004 deposit from any source for the use of the state, shall

2005 constitute a part of the State Library and Archives of Florida  
 2006 and shall be placed therein for the use of the public under the  
 2007 control of the ~~Division of Library and Information Services of~~  
 2008 ~~the~~ Department of State. The department ~~division~~ may receive  
 2009 gifts of money, books, or other property which may be used or  
 2010 held for the purpose or purposes given; and it may purchase  
 2011 books, periodicals, furniture, and equipment as it deems  
 2012 necessary to promote the efficient operation of the service it  
 2013 is expected to render the public.

2014 (2) The department ~~division~~ may, upon request, give aid  
 2015 and assistance, financial, advisory, or otherwise, to all  
 2016 school, state institutional, academic, free, and public  
 2017 libraries, and to all communities in the state which may propose  
 2018 to establish libraries, as to the best means of establishing and  
 2019 administering libraries, selecting and cataloging books, and  
 2020 other facets of library management.

2021 (3) The department ~~division~~ shall maintain a library for  
 2022 state officials and employees, especially of informational  
 2023 material pertaining to the phases of their work, and provide for  
 2024 them material for general reading and study.

2025 (4) The department ~~division~~ shall maintain and provide  
 2026 research and information services for all state agencies.

2027 (5) The department ~~division~~ shall make all necessary  
 2028 arrangements to provide library services to the blind and  
 2029 physically handicapped persons of the state.

2030 (6) The department ~~division~~ may issue printed material,  
 2031 such as lists and circulars of information, and in the  
 2032 publication thereof may cooperate with state library commissions  
 2033 and libraries of other states in order to secure the more

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2034 economical administration of the work for which it is formed.  
 2035 It may conduct courses of library instruction and hold  
 2036 librarians' institutes in various parts of the state.

2037 (7) The department ~~division~~ shall perform such other  
 2038 services and engage in any other activity, not contrary to law,  
 2039 that it may think appropriate in the development of library  
 2040 service to state government, to the libraries and library  
 2041 profession of the state, and to the citizens of the state.

2042 Section 77. Section 257.05, Florida Statutes, is amended  
 2043 to read:

2044 257.05 Public documents; delivery to, and distribution by,  
 2045 State Library, Archives, and Records Services Office ~~division~~--

2046 (1) The term "public document" as used in this section  
 2047 means any document, report, directory, bibliography, rule,  
 2048 newsletter, pamphlet, brochure, periodical, or other  
 2049 publication, whether in print or nonprint format, that is paid  
 2050 for in whole or in part by funds appropriated by the Legislature  
 2051 and may be subject to distribution to the public; however, the  
 2052 term excludes publications for internal use by an executive  
 2053 agency as defined in s. 283.30.

2054 (2)(a) Each state official, state department, state board,  
 2055 state court, or state agency issuing public documents shall  
 2056 furnish the ~~Division of Library and Information Services of the~~  
 2057 Department of State 35 copies of each of those public documents,  
 2058 as issued, for deposit in and distribution by the department  
 2059 ~~division~~. However, if the department ~~division~~ so requests, as  
 2060 many as 15 additional copies of each public document shall be  
 2061 supplied to it.

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2062 (b) If any state official, state department, state board,  
 2063 state court, or state agency has fewer than 40 copies of any  
 2064 public document, it shall supply the department ~~division~~ with 2  
 2065 copies of each such public document for deposit in the State  
 2066 Library and Archives of Florida.

2067 (c) As issued, daily journals and bound journals of each  
 2068 house of the Legislature; slip laws and bound session laws, both  
 2069 general and special; and Florida Statutes and supplements  
 2070 thereto shall be furnished to the department ~~division~~ by the  
 2071 state official, department, or agency having charge of their  
 2072 distribution. The number of copies furnished shall be  
 2073 determined by requests of the department ~~division~~, which number  
 2074 in no case may exceed 35 copies of the particular publication.

2075 (3) It is the duty of the department ~~division~~ to:

2076 (a) Designate university, college, and public libraries as  
 2077 depositories for public documents and to designate certain of  
 2078 these depositories as regional centers for full collections of  
 2079 public documents.

2080 (b) Provide a system of distribution of the copies  
 2081 furnished to it under subsection (2) to such depositories.

2082 (c) Publish a periodic bibliography of the publications of  
 2083 the state.

2084  
 2085 The department ~~division~~ may exchange copies of public documents  
 2086 for those of other states, territories, and countries.

2087 Depositories receiving public documents under this section shall  
 2088 keep them in a convenient form accessible to the public.

2089 Section 78. Section 257.12, Florida Statutes, is amended  
 2090 to read:

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2091           257.12 Department of State ~~Division of Library and~~  
 2092 ~~Information Services~~ authorized to accept and expend federal  
 2093 funds.--

2094           (1) The State Library, Archives, and Records Services  
 2095 Office ~~Division of Library and Information Services~~ of the  
 2096 Department of State is designated as the state library  
 2097 administrative agency authorized to accept, receive, administer,  
 2098 and expend any moneys, materials, or any other aid granted,  
 2099 appropriated, or made available by the United States or any of  
 2100 its agencies for the purpose of giving aid to libraries and  
 2101 providing educational library service in the state.

2102           (2) The department ~~division~~ is authorized to file any  
 2103 accounts required by federal law or regulation with reference to  
 2104 receiving and administering all such moneys, materials, and  
 2105 other aid for said purposes; provided, however, that the  
 2106 acceptance of such moneys, materials, and other aid shall not  
 2107 deprive the state from complete control and supervision of its  
 2108 library.

2109           Section 79. Section 257.14, Florida Statutes, is amended  
 2110 to read:

2111           257.14 Department of State ~~Division of Library and~~  
 2112 ~~Information Services~~; rules.--The Department of State ~~Division~~  
 2113 ~~of Library and Information Services~~ has authority to adopt rules  
 2114 pursuant to ss. 120.536(1) and 120.54 to implement the  
 2115 provisions of this chapter.

2116           Section 80. Section 257.15, Florida Statutes, is amended  
 2117 to read:

2118           257.15 Department of State ~~Division of Library and~~  
 2119 ~~Information Services~~; standards.--The Department of State

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2120 ~~Division of Library and Information Services~~ shall establish  
 2121 reasonable and pertinent operating standards under which  
 2122 libraries will be eligible to receive state moneys.

2123 Section 81. Section 257.16, Florida Statutes, is amended  
 2124 to read:

2125 257.16 Reports.--Any library receiving grants under ss.  
 2126 257.14-257.25 shall file with the Department of State Division  
 2127 ~~of Library and Information Services~~ on or before December 1 of  
 2128 each year a financial report on its operations and furnish the  
 2129 department division with such other information as the  
 2130 department requires ~~division may require~~.

2131 Section 82. Section 257.171, Florida Statutes, is amended  
 2132 to read:

2133 257.171 Multicounty libraries.--Units of local government,  
 2134 as defined in s. 165.031(1), may establish a multicounty  
 2135 library. The Department of State Division of Library and  
 2136 ~~Information Services~~ may establish operating standards and rules  
 2137 under which a multicounty library is eligible to receive state  
 2138 moneys. For a multicounty library, a local government may pay  
 2139 moneys in advance in lump sum from its public funds for the  
 2140 provision of library services only.

2141 Section 83. Subsections (1) and (2) of section 257.172,  
 2142 Florida Statutes, are amended to read:

2143 257.172 Multicounty library grants.--

2144 (1) The administrative unit of a multicounty library that  
 2145 serves a population of 50,000 or more, or has three or more  
 2146 counties, is eligible for an annual grant from the state. The  
 2147 grant funds are to be used for the support and extension of  
 2148 library service in participating counties. The grant must be

2149 computed by the department ~~division~~ on a state matching basis up  
 2150 to \$1 million in local expenditures by all participating  
 2151 counties for operation and maintenance of a library during the  
 2152 second preceding year. The administrative unit of a multicounty  
 2153 library with:

2154 (a) Two participating counties is eligible for a grant  
 2155 equal to 5 cents on each local dollar of expenditure.

2156 (b) Three participating counties is eligible for a grant  
 2157 equal to 10 cents on each local dollar of expenditure.

2158 (c) Four participating counties is eligible for a grant  
 2159 equal to 15 cents on each local dollar of expenditure.

2160 (d) Five participating counties is eligible for a grant  
 2161 equal to 20 cents on each local dollar of expenditure.

2162 (e) Six or more participating counties is eligible for a  
 2163 grant equal to 25 cents on each local dollar of expenditure.

2164 (2) In addition, the administrative unit of a multicounty  
 2165 library with three or more participating counties is eligible to  
 2166 receive a base grant of a minimum of \$250,000 to support  
 2167 multicounty library service. That amount may be adjusted by the  
 2168 department ~~division~~ based on the percentage change in the state  
 2169 and local government price deflator for purchases of goods and  
 2170 services, all items, 1983 equals 100, or successor reports for  
 2171 the preceding calendar year as initially reported by the Bureau  
 2172 of Economic Analysis of the United States Department of  
 2173 Commerce, as certified by the Florida Consensus Estimating  
 2174 Conference.

2175 Section 84. Subsection (3) of section 257.18, Florida  
 2176 Statutes, is amended to read:

2177 257.18 Equalization grants.--

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2178           (3) The Department of State ~~Division of Library and~~  
 2179 ~~Information Services~~ shall calculate equalization grants based  
 2180 on the amount of local funds expended for library service the  
 2181 second preceding year as certified by the appropriate county  
 2182 officials and information on the level of assessment of property  
 2183 in each county and the taxable value of property in each county  
 2184 as reported by the state agency authorized by law, which shall  
 2185 certify the results of such determination to the department  
 2186 ~~division~~.

2187           Section 85. Section 257.191, Florida Statutes, is amended  
 2188 to read:

2189           257.191 Construction grants.--The Department of State  
 2190 ~~Division of Library and Information Services~~ may accept and  
 2191 administer library construction moneys appropriated to it and  
 2192 shall allocate such appropriation to municipal, county, and  
 2193 regional libraries in the form of library construction grants on  
 2194 a matching basis. The local matching portion shall be no less  
 2195 than the grant amount, on a dollar-for-dollar basis, up to the  
 2196 maximum grant amount, unless the matching requirement is waived  
 2197 by s. 288.06561. Initiation of a library construction project 12  
 2198 months or less prior to the grant award under this section shall  
 2199 not affect the eligibility of an applicant to receive a library  
 2200 construction grant. The department ~~division~~ shall adopt rules  
 2201 for the administration of library construction grants. For the  
 2202 purposes of this section, s. 257.21 does not apply.

2203           Section 86. Section 257.192, Florida Statutes, is amended  
 2204 to read:

2205           257.192 Program grants.--The Department of State ~~Division~~  
 2206 ~~of Library and Information Services~~ is authorized to accept and

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2207 administer appropriations for library program grants and to make  
 2208 such grants in accordance with the Florida long-range plan  
 2209 ~~program~~ for library services.

2210 Section 87. Subsection (4) of section 257.193, Florida  
 2211 Statutes, is amended to read:

2212 257.193 Community Libraries in Caring Program.--

2213 (4) Subject to legislative appropriation, the ~~Division of~~  
 2214 ~~Library and Information Services within the~~ Department of State  
 2215 shall administer the program, which shall facilitate the  
 2216 exchange of ideas and services between libraries in rural  
 2217 communities and communities in other parts of the state.

2218 Section 88. Section 257.195, Florida Statutes, is amended  
 2219 to read:

2220 257.195 Revenue shortfalls; procedures.--In the event of  
 2221 revenue shortfalls which necessitate budget reductions during  
 2222 any fiscal year, the total appropriation for library grants from  
 2223 state sources shall have the same ratable reduction as that  
 2224 applied to the operating funds of the Department of State  
 2225 ~~Division of Library and Information Services~~ or such reduction  
 2226 shall be at the discretion of the Secretary of State.

2227 Section 89. Section 257.22, Florida Statutes, is amended  
 2228 to read:

2229 257.22 Department of State ~~Division of Library and~~  
 2230 ~~Information Services~~; allocation of funds.--Any moneys that may  
 2231 be appropriated for use by a county, a municipality, a special  
 2232 district, or a special tax district for the maintenance of a  
 2233 library or library service shall be administered and allocated  
 2234 by the Department of State ~~Division of Library and Information~~  
 2235 ~~Services~~ in the manner prescribed by law. On or before December

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2236 1 of each year, the department ~~division~~ shall certify to the  
 2237 Chief Financial Officer the amount to be paid to each county,  
 2238 municipality, special district, or special tax district, and the  
 2239 Chief Financial Officer shall issue warrants to the eligible  
 2240 political subdivisions.

2241 Section 90. Section 257.23, Florida Statutes, is amended  
 2242 to read:

2243 257.23 Application for grant.--The board of county  
 2244 commissioners of any county, the chief executive officer of a  
 2245 municipality, or the governing body of a special district or a  
 2246 special tax district desiring to receive a grant under the  
 2247 provisions of ss. 257.14-257.25 shall apply therefor to the  
 2248 Department of State ~~Division of Library and Information Services~~  
 2249 on or before October 1 of each year on a form to be provided by  
 2250 the department ~~division~~. The application shall be signed by the  
 2251 chair of the board of county commissioners and attested by the  
 2252 clerk of the circuit court or the appropriate officer in a  
 2253 charter county, by the chief executive officer of a municipality  
 2254 and attested by the clerk of the municipality, or by the chair  
 2255 of the governing body and attested by the chief financial  
 2256 officer of a special district or a special tax district. The  
 2257 county, municipality, special district, or special tax district  
 2258 shall agree to observe the standards established by the  
 2259 department ~~division~~ as authorized in s. 257.15. On or before  
 2260 December 1 each year, the applicant shall certify the annual tax  
 2261 income and the rate of tax or the annual appropriation for the  
 2262 free library or free library service, and shall furnish such  
 2263 other pertinent information as the department requires ~~division~~  
 2264 ~~may require~~.

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2265 Section 91. Section 257.24, Florida Statutes, is amended  
 2266 to read:

2267 257.24 Use of funds.--State funds allocated to libraries  
 2268 shall be expended only for library purposes in the manner  
 2269 prescribed by the Department of State ~~Division of Library and~~  
 2270 ~~Information Services~~. Such funds shall not be expended for the  
 2271 purchase or construction of a library building or library  
 2272 quarters, except such funds specifically appropriated for  
 2273 construction purposes as provided in this chapter.

2274 Section 92. Section 257.30, Florida Statutes, is amended  
 2275 to read:

2276 257.30 State library agency.--As used in the compact,  
 2277 "state library agency," with reference to this state, means the  
 2278 ~~Florida~~ State Library and Archives of Florida or an agency  
 2279 designated by the Secretary of State.

2280 Section 93. Section 257.34, Florida Statutes, is amended  
 2281 to read:

2282 257.34 Florida International Archive and Repository.--  
 2283 (1) There is created within the State Library, Archives,  
 2284 and Records Services Office ~~Division of Library and Information~~  
 2285 ~~Services~~ of the Department of State the Florida International  
 2286 Archive and Repository for the preservation of those public  
 2287 records, as defined in s. 119.011(1), manuscripts, international  
 2288 judgments involving disputes between domestic and foreign  
 2289 businesses, and all other public matters that the department or  
 2290 the Florida Council of International Development deems relevant  
 2291 to international issues. It is the duty and responsibility of  
 2292 the department ~~division~~ to:

2293 (a) Organize and administer the Florida International  
 2294 Archive and Repository.

2295 (b) Preserve and administer records that are transferred  
 2296 to its custody; accept, arrange, and preserve them, according to  
 2297 approved archival and repository practices; and permit them, at  
 2298 reasonable times and under the supervision of the department  
 2299 ~~division~~, to be inspected, examined, and copied. All public  
 2300 records transferred to the custody of the department ~~division~~  
 2301 are subject to the provisions of s. 119.07(1).

2302 (c) Assist the records and information management program  
 2303 in the determination of retention values for records.

2304 (d) Cooperate with and assist, insofar as practicable,  
 2305 state institutions, departments, agencies, counties,  
 2306 municipalities, and individuals engaged in internationally  
 2307 related activities.

2308 (e) Provide a public research room where, under rules  
 2309 established by the department ~~division~~, the materials in the  
 2310 international archive and repository may be studied.

2311 (f) Conduct, promote, and encourage research in  
 2312 international trade, government, and culture and maintain a  
 2313 program of information, assistance, coordination, and guidance  
 2314 for public officials, educational institutions, libraries, the  
 2315 scholarly community, and the general public engaged in such  
 2316 research.

2317 (g) Cooperate with and, insofar as practicable, assist  
 2318 agencies, libraries, institutions, and individuals in projects  
 2319 concerned with internationally related issues and preserve  
 2320 original materials relating to internationally related issues.

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2321 (h) Assist and cooperate with the records and information  
2322 management program in the training and information program  
2323 described in s. 257.36(1)(g).

2324 (2) Any agency is authorized and empowered to turn over to  
2325 the department ~~division~~ any record no longer in current official  
2326 use. The department ~~division~~ may accept such record and provide  
2327 for its administration and preservation as provided in this  
2328 section and, upon acceptance, be considered the legal custodian  
2329 of such record. The department ~~division~~ may direct and effect  
2330 the transfer to the archives of any records that are determined  
2331 by the department ~~division~~ to have such historical or other  
2332 value to warrant their continued preservation or protection,  
2333 unless the head of the agency that has custody of the records  
2334 certifies in writing to the department ~~division~~ that the records  
2335 must be retained in the agency's custody for use in the conduct  
2336 of the regular current business of the agency.

2337 (3) Title to any record transferred to the Florida  
2338 International Archive and Repository, as authorized in this  
2339 chapter, is vested in the department ~~division~~.

2340 (4) The department ~~division~~ shall make certified copies  
2341 under seal of any record transferred to it upon the application  
2342 of any person, and the certificates shall have the same force  
2343 and effect as if made by the agency from which the record was  
2344 received. The department ~~division~~ may charge a fee for this  
2345 service based upon the cost of service.

2346 (5) The department ~~division~~ may establish and maintain a  
2347 schedule of fees for services that may include, but need not be  
2348 limited to, restoration of materials, storage of materials,  
2349 special research services, and publications.

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2350           (6) The department ~~division~~ shall establish and maintain a  
 2351 mechanism by which the information contained within the Florida  
 2352 International Archive and Repository may be accessed by computer  
 2353 via the World Wide Web. In doing so, the department ~~division~~  
 2354 shall take whatever measures it deems appropriate to ensure the  
 2355 validity, quality, and safety of the information being accessed.

2356           (7) The department ~~division~~ shall adopt rules necessary to  
 2357 implement this section.

2358           (8) The Florida Council of International Development may  
 2359 select materials for inclusion in the Florida International  
 2360 Archive and Repository and shall be consulted closely by the  
 2361 department ~~division~~ in all matters relating to its establishment  
 2362 and maintenance.

2363           Section 94. Section 257.35, Florida Statutes, is amended  
 2364 to read:

2365           257.35 ~~Florida~~ State Library and Archives of Florida.--

2366           (1) There is created within the ~~Division of Library and~~  
 2367 ~~Information Services of the~~ Department of State the Florida  
 2368 State Library and Archives of Florida for the preservation of  
 2369 those public records, as defined in s. 119.011(1), manuscripts,  
 2370 and other archival material that have been determined by the  
 2371 department ~~division~~ to have sufficient historical or other value  
 2372 to warrant their continued preservation and have been accepted  
 2373 by the department ~~division~~ for deposit in its custody. It is the  
 2374 duty and responsibility of the department ~~division~~ to:

2375           (a) Organize and administer the ~~Florida~~ State Library and  
 2376 Archives of Florida.

2377           (b) Preserve and administer such records as shall be  
 2378 transferred to its custody; accept, arrange, and preserve them,

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2379 according to approved archival practices; and permit them, at  
 2380 reasonable times and under the supervision of the department  
 2381 ~~division~~, to be inspected, examined, and copied. All public  
 2382 records transferred to the custody of the department ~~division~~  
 2383 shall be subject to the provisions of s. 119.07(1), except that  
 2384 any public record or other record provided by law to be  
 2385 confidential or prohibited from inspection by the public shall  
 2386 be made accessible only after a period of 50 years from the date  
 2387 of the creation of the record. Any nonpublic manuscript or  
 2388 other archival material which is placed in the keeping of the  
 2389 department ~~division~~ under special terms and conditions, shall be  
 2390 made accessible only in accordance with such law terms and  
 2391 conditions and shall be exempt from the provisions of s.  
 2392 119.07(1) to the extent necessary to meet the terms and  
 2393 conditions for a nonpublic manuscript or other archival  
 2394 material.

2395 (c) Assist the records and information management program  
 2396 in the determination of retention values for records.

2397 (d) Cooperate with and assist insofar as practicable state  
 2398 institutions, departments, agencies, counties, municipalities,  
 2399 and individuals engaged in activities in the field of state  
 2400 archives, manuscripts, and history and accept from any person  
 2401 any paper, book, record, or similar material which in the  
 2402 judgment of the department ~~division~~ warrants preservation in the  
 2403 state archives.

2404 (e) Provide a public research room where, under rules  
 2405 established by the department ~~division~~, the materials in the  
 2406 state archives may be studied.

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2407 (f) Conduct, promote, and encourage research in Florida  
2408 history, government, and culture and maintain a program of  
2409 information, assistance, coordination, and guidance for public  
2410 officials, educational institutions, libraries, the scholarly  
2411 community, and the general public engaged in such research.

2412 (g) Cooperate with and, insofar as practicable, assist  
2413 agencies, libraries, institutions, and individuals in projects  
2414 designed to preserve original source materials relating to  
2415 Florida history, government, and culture and prepare and publish  
2416 handbooks, guides, indexes, and other literature directed toward  
2417 encouraging the preservation and use of the state's documentary  
2418 resources.

2419 (h) Encourage and initiate efforts to preserve, collect,  
2420 process, transcribe, index, and research the oral history of  
2421 Florida government.

2422 (i) Assist and cooperate with the records and information  
2423 management program in the training and information program  
2424 described in s. 257.36(1)(g).

2425 (2) Any agency is authorized and empowered to turn over to  
2426 the department ~~division~~ any record no longer in current official  
2427 use. The department ~~division~~, in its discretion, is authorized  
2428 to accept such record and, having done so, shall provide for its  
2429 administration and preservation as herein provided and, upon  
2430 acceptance, shall be considered the legal custodian of such  
2431 record. The department ~~division~~ is empowered to direct and  
2432 effect the transfer to the archives of any records that are  
2433 determined by the department ~~division~~ to have such historical or  
2434 other value to warrant their continued preservation or  
2435 protection, unless the head of the agency which has custody of

2436 the records certifies in writing to the department ~~division~~ that  
 2437 the records shall be retained in the agency's custody for use in  
 2438 the conduct of the regular current business of the agency.

2439 (3) Title to any record transferred to the ~~Florida~~ State  
 2440 Library and Archives of Florida, as authorized in this chapter,  
 2441 shall be vested in the department ~~division~~.

2442 (4) The department ~~division~~ shall make certified copies  
 2443 under seal of any record transferred to it upon the application  
 2444 of any person, and said certificates shall have the same force  
 2445 and effect as if made by the agency from which the record was  
 2446 received. The department ~~division~~ may charge a fee for this  
 2447 service based upon the cost of service.

2448 (5) The department ~~division~~ may establish and maintain a  
 2449 schedule of fees for services which shall include, but not be  
 2450 limited to, restoration of archival materials, storage of  
 2451 archival materials, special research services, and publications.

2452 (6) The department ~~division~~ may establish and maintain as  
 2453 part of the state archives a Florida State Photographic  
 2454 Collection. The department ~~division~~ shall:

2455 (a) Acquire, identify, appraise, arrange, index, restore,  
 2456 and preserve photographs, motion pictures, drawings, and other  
 2457 iconographic material considered appropriate for preservation.

2458 (b) Initiate appropriate action to acquire, identify,  
 2459 preserve, recover, and restore photographs, motion pictures, and  
 2460 other iconographic material considered appropriate for  
 2461 preservation.

2462 (c) Provide for an index to the historical photographic  
 2463 holdings of the Florida State Photographic Collection and the  
 2464 State of Florida.

2465  
 2466 Any use or reproduction of material deposited with the Florida  
 2467 State Photographic Collection shall be allowed pursuant to the  
 2468 provisions of paragraph (1)(b) and subsection (4) provided that  
 2469 appropriate credit for its use is given.

2470 (7) The department ~~division~~ shall adopt ~~promulgate~~ such  
 2471 rules as are necessary to implement the provisions of this act.

2472 Section 95. Section 257.36, Florida Statutes, is amended  
 2473 to read:

2474 257.36 Records and information management.--

2475 (1) There is created within the ~~Division of Library and~~  
 2476 ~~Information Services of the~~ Department of State a records and  
 2477 information management program. It is the duty and  
 2478 responsibility of the department ~~division~~ to:

2479 (a) Establish and administer a records management program  
 2480 directed to the application of efficient and economical  
 2481 management methods relating to the creation, utilization,  
 2482 maintenance, retention, preservation, and disposal of records.

2483 (b) Establish and operate a records center or centers  
 2484 primarily for the storage, processing, servicing, and security  
 2485 of public records that must be retained for varying periods of  
 2486 time but need not be retained in an agency's office equipment or  
 2487 space.

2488 (c) Analyze, develop, establish, and coordinate standards,  
 2489 procedures, and techniques of recordmaking and recordkeeping.

2490 (d) Ensure the maintenance and security of records which  
 2491 are deemed appropriate for preservation.

2492 (e) Establish safeguards against unauthorized or unlawful  
 2493 removal or loss of records.

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2494 (f) Initiate appropriate action to recover records removed  
2495 unlawfully or without authorization.

2496 (g) Institute and maintain a training and information  
2497 program in:

2498 1. All phases of records and information management to  
2499 bring approved and current practices, methods, procedures, and  
2500 devices for the efficient and economical management of records  
2501 to the attention of all agencies.

2502 2. The requirements relating to access to public records  
2503 under chapter 119.

2504 (h) Provide a centralized program of microfilming for the  
2505 benefit of all agencies.

2506 (i) Make continuous surveys of recordkeeping operations.

2507 (j) Recommend improvements in current records management  
2508 practices, including the use of space, equipment, supplies, and  
2509 personnel in creating, maintaining, and servicing records.

2510 (k) Establish and maintain a program in cooperation with  
2511 each agency for the selection and preservation of records  
2512 considered essential to the operation of government and to the  
2513 protection of the rights and privileges of citizens.

2514 (l) Make, or have made, preservation duplicates, or  
2515 designate existing copies as preservation duplicates, to be  
2516 preserved in the place and manner of safekeeping as prescribed  
2517 by the department ~~division~~.

2518 (2)(a) All records transferred to the department ~~division~~  
2519 may be held by it in a records center or centers, to be  
2520 designated by it, for such time as in its judgment retention  
2521 therein is deemed necessary. At such time as it is established  
2522 by the department ~~division~~, such records as are determined by it

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2523 as having historical or other value warranting continued  
2524 preservation shall be transferred to the ~~Florida~~ State Library  
2525 and Archives of Florida.

2526 (b) Title to any record detained in any records center  
2527 shall remain in the agency transferring such record to the  
2528 department ~~division~~.

2529 (c) When a record held in a records center is eligible for  
2530 destruction, the department ~~division~~ shall notify, in writing,  
2531 by certified mail, the agency which transferred the record. The  
2532 agency shall have 90 days from receipt of that notice to respond  
2533 requesting continued retention or authorizing destruction or  
2534 disposal of the record. If the agency does not respond within  
2535 that time, title to the record shall pass to the department  
2536 ~~division~~.

2537 (3) The department ~~division~~ may charge fees for supplies  
2538 and services, including, but not limited to, shipping  
2539 containers, pickup, delivery, reference, and storage. Fees  
2540 shall be based upon the actual cost of the supplies and services  
2541 and shall be deposited in the Records Management Trust Fund.

2542 (4) Any preservation duplicate of any record made pursuant  
2543 to this chapter shall have the same force and effect for all  
2544 purposes as the original record. A transcript, exemplification,  
2545 or certified copy of such preservation duplicate shall be  
2546 deemed, for all purposes, to be a transcript, exemplification,  
2547 or certified copy of the original record.

2548 (5) For the purposes of this section, the term "agency"  
2549 shall mean any state, county, district, or municipal officer,  
2550 department, division, bureau, board, commission, or other

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2551 separate unit of government created or established by law. It  
 2552 is the duty of each agency to:

2553 (a) Cooperate with the department ~~division~~ in complying  
 2554 with the provisions of this chapter and designate a records  
 2555 management liaison officer.

2556 (b) Establish and maintain an active and continuing  
 2557 program for the economical and efficient management of records.

2558 (6) A public record may be destroyed or otherwise disposed  
 2559 of only in accordance with retention schedules established by  
 2560 the department ~~division~~. The department ~~division~~ shall adopt  
 2561 reasonable rules not inconsistent with this chapter which shall  
 2562 be binding on all agencies relating to the destruction and  
 2563 disposition of records. Such rules shall provide, but not be  
 2564 limited to:

2565 (a) Procedures for complying and submitting to the  
 2566 department ~~division~~ records-retention schedules.

2567 (b) Procedures for the physical destruction or other  
 2568 disposal of records.

2569 (c) Standards for the reproduction of records for security  
 2570 or with a view to the disposal of the original record.

2571 Section 96. Section 257.37, Florida Statutes, is amended  
 2572 to read:

2573 257.37 Legislative intent.--In enacting this law, the  
 2574 Legislature is cognizant of the fact that there may be instances  
 2575 where an agency may be microfilming and destroying public  
 2576 records or performing other records management programs pursuant  
 2577 to local or special acts. The Legislature is further aware that  
 2578 it may not be possible to implement this chapter in its entirety  
 2579 immediately upon its enactment, and it is not the legislative

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2580 intent by this chapter to disrupt the orderly microfilming and  
 2581 destruction of public records pursuant to such local or special  
 2582 acts above referred to, provided that such agencies make no  
 2583 further disposition of public records without approval of the  
 2584 ~~Division of Library and Information Services of the~~ Department  
 2585 of State pursuant to such rules ~~and regulations~~ as it  
 2586 establishes ~~may establish~~.

2587 Section 97. Section 257.375, Florida Statutes, is amended  
 2588 to read:

2589 257.375 Records Management Trust Fund.--There is hereby  
 2590 created within the Department of State ~~Division of Library and~~  
 2591 ~~Information Services~~ a Records Management Trust Fund which shall  
 2592 consist of fees collected for records management and archival  
 2593 services. Funds deposited in the Records Management Trust Fund  
 2594 shall be used to support the programs of the state archives and  
 2595 records and information management programs.

2596 Section 98. Subsections (2) and (3) of section 257.41,  
 2597 Florida Statutes, are amended to read:

2598 257.41 Library cooperatives; organization; receipt of  
 2599 state moneys.--

2600 (2) ~~The Division of Library and Information Services of~~  
 2601 ~~the~~ Department of State shall establish operating standards and  
 2602 rules under which a library cooperative is eligible to receive  
 2603 state moneys. ~~The division shall issue a certificate to each~~  
 2604 ~~library cooperative that meets the standards and rules~~  
 2605 ~~established under this subsection.~~

2606 (3) A library cooperative that receives state moneys under  
 2607 ss. 257.40-257.42 shall file with the Department of State  
 2608 ~~Division of Library and Information Services~~ on or before

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2609 December 1 of each year a financial report on its operations and  
 2610 furnish the department ~~division~~ with such other information as  
 2611 the department ~~division~~ requires.

2612 Section 99. Section 257.42, Florida Statutes, is amended  
 2613 to read:

2614 257.42 Library cooperative grants.--The administrative  
 2615 unit of a library cooperative is eligible to receive an annual  
 2616 grant from the state of not more than \$400,000 for the purpose  
 2617 of sharing library resources based upon an annual plan of  
 2618 service and expenditure and an annually updated 5-year, long-  
 2619 range plan of cooperative library resource sharing. Those  
 2620 plans, which must include a component describing how the  
 2621 cooperative will share technology and the use of technology,  
 2622 must be submitted to the ~~Division of Library and Information~~  
 2623 ~~Services of the~~ Department of State for evaluation and possible  
 2624 recommendation for funding in the department's ~~division's~~  
 2625 legislative budget request. Grant funds may not be used to  
 2626 supplant local funds or other funds. A library cooperative must  
 2627 provide from local sources matching cash funds equal to 10  
 2628 percent of the grant award.

2629 Section 100. Paragraph (a) of subsection (5) of section  
 2630 258.007, Florida Statutes, is amended to read:

2631 258.007 Powers of division.--

2632 (5)(a) The division, in cooperation with the ~~Division of~~  
 2633 ~~Historical Resources of the~~ Department of State, is authorized  
 2634 and empowered to select and designate, within the state park  
 2635 system, sites of historic interest and value and to erect and  
 2636 maintain appropriate signs or markers indicating said sites upon

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2637 public property as well as upon private property where  
 2638 permission is obtained.

2639 Section 101. Paragraph (a) of subsection (7) of section  
 2640 258.501, Florida Statutes, is amended to read:

2641 258.501 Myakka River; wild and scenic segment.--

2642 (7) MANAGEMENT COORDINATING COUNCIL.--

2643 (a) Upon designation, the department shall create a  
 2644 permanent council to provide interagency and intergovernmental  
 2645 coordination in the management of the river. The coordinating  
 2646 council shall be composed of one representative appointed from  
 2647 each of the following: the department, the Department of  
 2648 Transportation, the Fish and Wildlife Conservation Commission,  
 2649 the Department of Community Affairs, the Division of Forestry of  
 2650 the Department of Agriculture and Consumer Services, ~~the~~  
 2651 ~~Division of Historical Resources of~~ the Department of State, the  
 2652 Tampa Bay Regional Planning Council, the Southwest Florida Water  
 2653 Management District, the Southwest Florida Regional Planning  
 2654 Council, Manatee County, Sarasota County, Charlotte County, the  
 2655 City of Sarasota, the City of North Port, agricultural  
 2656 interests, environmental organizations, and any others deemed  
 2657 advisable by the department.

2658 Section 102. Paragraph (b) of subsection (1) of section  
 2659 259.035, Florida Statutes, is amended to read:

2660 259.035 Acquisition and Restoration Council.--

2661 (1) There is created the Acquisition and Restoration  
 2662 Council.

2663 (b) The five remaining appointees shall be composed of the  
 2664 Secretary of Environmental Protection, the director of the  
 2665 Division of Forestry of the Department of Agriculture and

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2666 Consumer Services, the executive director of the Fish and  
 2667 Wildlife Conservation Commission, the Secretary ~~director of the~~  
 2668 ~~Division of Historical Resources of the Department~~ of State, and  
 2669 the secretary of the Department of Community Affairs, or their  
 2670 respective designees.

2671 Section 103. Subsection (1) of section 259.307, Florida  
 2672 Statutes, is amended to read:

2673 259.037 Land Management Uniform Accounting Council.--

2674 (1) The Land Management Uniform Accounting Council is  
 2675 created within the Department of Environmental Protection and  
 2676 shall consist of the director of the Division of State Lands,  
 2677 the director of the Division of Recreation and Parks, the  
 2678 director of the Office of Coastal and Aquatic Managed Areas, and  
 2679 the director of the Office of Greenways and Trails of the  
 2680 Department of Environmental Protection; the director of the  
 2681 Division of Forestry of the Department of Agriculture and  
 2682 Consumer Services; the executive director of the Fish and  
 2683 Wildlife Conservation Commission; and the Secretary ~~director of~~  
 2684 ~~the Division of Historical Resources of the Department~~ of State,  
 2685 or their respective designees. Each state agency represented on  
 2686 the council shall have one vote. The chair of the council shall  
 2687 rotate annually in the foregoing order of state agencies. The  
 2688 agency of the representative serving as chair of the council  
 2689 shall provide staff support for the council. The Division of  
 2690 State Lands shall serve as the recipient of and repository for  
 2691 the council's documents. The council shall meet at the request  
 2692 of the chair.

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2693 Section 104. Paragraph (d) of subsection (1) and paragraph  
 2694 (1) of subsection (4) of section 260.0142, Florida Statutes, are  
 2695 amended to read:

2696 260.0142 Florida Greenways and Trails Council;  
 2697 composition; powers and duties.--

2698 (1) There is hereby created within the Department of  
 2699 Environmental Protection the Florida Greenways and Trails  
 2700 Council which shall advise the department in the execution of  
 2701 the department's powers and duties under this chapter. The  
 2702 council shall be composed of 21 members, consisting of:

2703 (d) The 10 remaining members shall include:

2704 1. The Secretary of Environmental Protection or a  
 2705 designee;

2706 2. The executive director of the Fish and Wildlife  
 2707 Conservation Commission or a designee;

2708 3. The Secretary of Community Affairs or a designee;

2709 4. The Secretary of Transportation or a designee;

2710 5. The Director of the Division of Forestry of the  
 2711 Department of Agriculture and Consumer Services or a designee;

2712 6. The Secretary ~~director of the Division of Historical~~  
 2713 ~~Resources of the Department~~ of State or a designee;

2714 7. A representative of the water management districts who  
 2715 shall serve for 1 year. Membership on the council shall rotate  
 2716 among the five districts. The districts shall determine the  
 2717 order of rotation;

2718 8. A representative of a federal land management agency.  
 2719 The Secretary of Environmental Protection shall identify the  
 2720 appropriate federal agency and request designation of a  
 2721 representative from the agency to serve on the council;

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2722 9. A representative of the regional planning councils to  
 2723 be appointed by the Secretary of Environmental Protection, in  
 2724 consultation with the Secretary of Community Affairs, for a  
 2725 single 2-year term. The representative shall not be selected  
 2726 from the same regional planning council for successive terms;  
 2727 and

2728 10. A representative of local governments to be appointed  
 2729 by the Secretary of Environmental Protection, in consultation  
 2730 with the Secretary of Community Affairs, for a single 2-year  
 2731 term. Membership shall alternate between a county  
 2732 representative and a municipal representative.

2733 (4) The duties of the council shall include, but not be  
 2734 limited to, the following:

2735 (1) Advise the Land Acquisition and Management Advisory  
 2736 Council or its successor to ensure the incorporation of  
 2737 greenways and trails in land management plans on lands managed  
 2738 by the Department of Environmental Protection, the Fish and  
 2739 Wildlife Conservation Commission, the ~~Division of Historical~~  
 2740 ~~Resources of the~~ Department of State, and the Division of  
 2741 Forestry of the Department of Agriculture and Consumer Services;

2742 Section 105. Section 265.283, Florida Statutes, is amended  
 2743 to read:

2744 265.283 Definitions relating to Florida Fine Arts Act of  
 2745 1980.--The following definitions ~~shall~~ apply to ss. 265.281-  
 2746 265.286:

2747 (1) "Council" means the Florida Arts Council.

2748 (2) "Department" means the Department of State.

2749 ~~(3) "Director" means the Director of the Division of~~  
 2750 ~~Cultural Affairs of the Department of State.~~

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2751 ~~(4) "Division" means the Division of Cultural Affairs of~~  
 2752 ~~the Department of State.~~

2753 (3)~~(5)~~ "Panel" means a grant review panel.

2754 (4)~~(6)~~ "Secretary" means the Secretary of State.

2755 (5)~~(7)~~ "The arts" means any and all artistic disciplines,  
 2756 which include, but are not limited to, music, dance, drama,  
 2757 theater programs, creative writing, literature, architecture,  
 2758 painting, sculpture, folk arts, photography, crafts, and public  
 2759 media, and the execution and exhibition of other such allied,  
 2760 major art forms.

2761 Section 106. Section 265.284, Florida Statutes, is amended  
 2762 to read:

2763 265.284 Chief cultural officer; ~~director of division;~~  
 2764 powers and duties.--

2765 (1) The Secretary of State is the ~~shall be~~ chief cultural  
 2766 officer of the state.

2767 ~~(2) The Division of Cultural Affairs of the Department of~~  
 2768 ~~State shall be headed by a director who shall serve at the~~  
 2769 ~~pleasure of the Secretary of State.~~

2770 (2)~~(3)~~ The department ~~Division of Cultural Affairs~~ shall  
 2771 have direct administrative authority and responsibility for all  
 2772 of the programs authorized by this act. In furtherance thereof,  
 2773 the department ~~division~~ shall have the authority to:

2774 (a) Accept and administer state and federal funds provided  
 2775 for the fine arts, the grants, and any program authorized by  
 2776 this act.

2777 (b) Subject to the approval of the Secretary of State,  
 2778 enter into such contracts with any person, firm, performing arts  
 2779 company, educational institution, arts organization,

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2780 corporation, or governmental agency as may be necessary or  
2781 advisable to carry out its functions under this act. Contracts  
2782 administered under s. 265.606 shall require the local sponsoring  
2783 organization to submit to the department an annual postaudit of  
2784 its financial accounts conducted by an independent certified  
2785 public accountant. Contracts administered under ss. 265.701 and  
2786 265.702 shall require the recordation of a restrictive covenant  
2787 by the grantee and property owner or the purchase of a bond as  
2788 prescribed by rule to ensure that the facility continues to be  
2789 used as a cultural facility for a period of 10 years following  
2790 the grant award. If the facility ceases to be used as a cultural  
2791 facility during the 10 years following the grant award, the  
2792 grant funds shall be repaid to the department according to an  
2793 amortization schedule set forth in rule.

2794 (c) Seek, and help assure, a uniformity of artwork within  
2795 state buildings and review all art content of existing public  
2796 buildings or buildings of state ownership for the purpose of  
2797 making recommendations to the Department of Management Services  
2798 as to matters of installation, relocation, restoration, removal,  
2799 or any other disposition of such works of art.

2800 (d) On request, or at its own initiative, consult with and  
2801 advise other individuals, groups, organizations, or state  
2802 agencies and officials, particularly the Governor and the  
2803 Cabinet, concerning the acquisition by gift or purchase of fine  
2804 art works, the appropriate use and display of state-owned art  
2805 treasures for maximum public benefit, and the suitability of any  
2806 structures or fixtures primarily intended for ornamental or  
2807 decorative purposes in public buildings.

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2808 (e) Accept on behalf of the state donations of money,  
 2809 property, art objects, and antiquities. Such donations of money  
 2810 and any cash income that is ~~which may be~~ received by the  
 2811 department division or that was ~~which were~~ previously received  
 2812 by the Florida Fine Arts Council from the disposal of any  
 2813 donations of property, art objects, or antiquities shall be  
 2814 deposited into a separate trust fund and are ~~hereby~~ appropriated  
 2815 to the use of the department division for the purposes of this  
 2816 act.

2817 (3)~~(4)~~ There is created the Florida Fine Arts Trust Fund  
 2818 to be administered by the Department of State for the purposes  
 2819 set forth by law. The Florida Fine Arts Trust Fund shall consist  
 2820 of moneys appropriated by the Legislature and moneys contributed  
 2821 to the fund from any other source.

2822 (4)~~(5)~~ The department division is further authorized to:

2823 (a) Accept and administer moneys appropriated by the  
 2824 Legislature, and moneys received from the Federal Government or  
 2825 from other public or private sources, for the development of  
 2826 nationally recognized Florida performing arts groups through a  
 2827 state touring program. The department division shall develop and  
 2828 establish a selection procedure which will ensure maximum  
 2829 opportunity for selection of and participation by Florida  
 2830 performing arts groups in the state touring program.

2831 (b) Sponsor performances and exhibits; promote and  
 2832 encourage the study and appreciation of fine arts; and collect,  
 2833 publish, and print pamphlets, papers, newsletters, and other  
 2834 materials relating to fine arts programs available throughout  
 2835 the state.

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2836 (c) Conduct and support cultural programs and cultural  
2837 exchanges in conjunction with the appropriate state agencies,  
2838 including the acceptance of funding, technical assistance, and  
2839 other forms of support for such purposes.

2840 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2841 implement provisions of law conferring duties on it.

2842 ~~(6) Subject to funding by the Legislature, there are~~  
2843 ~~created the State Orchestra Program, State Dance Program, and~~  
2844 ~~State Opera Program, each to be administered as part of, and~~  
2845 ~~under the direct supervision of, the Division of Cultural~~  
2846 ~~Affairs.~~

2847 ~~(5)(7)~~ Notwithstanding any provision of s. 287.022 or s.  
2848 287.025(1)(e), the department ~~division~~ may enter into contracts  
2849 to insure museum collections, artifacts, relics, and fine arts  
2850 to which it holds title.

2851 Section 107. Paragraph (c) of subsection (1) of section  
2852 265.285, Florida Statutes, is amended to read:

2853 265.285 Florida Arts Council; membership, duties.--

2854 (1)

2855 (c) The Secretary of State may appoint review panels  
2856 representing various artistic disciplines to assist the Florida  
2857 Arts Council in the grant review process. Review panel members  
2858 shall serve for 1-year terms. Each panel shall include  
2859 practicing artists or other persons actively involved in the  
2860 specific discipline for which the panel is to review grants. The  
2861 panels shall review grant applications and make recommendations  
2862 to the council concerning the relative merits of the applicants.  
2863 The department ~~division~~ shall, by rule, establish criteria for  
2864 reviewing grant applications to ensure compliance with

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2865 applicable federal and state laws relating to discrimination and  
 2866 conflicts of interest.

2867 Section 108. Section 265.286, Florida Statutes, is amended  
 2868 to read:

2869 265.286 Art grants award by Department of State Division  
 2870 ~~of Cultural Affairs~~.--

2871 (1) Subject to the recommendation of the Florida Arts  
 2872 Council and to the approval of the Secretary of State, the  
 2873 department ~~division~~ is authorized to expend appropriated state  
 2874 and federal funds for art grants. The department ~~division~~  
 2875 shall, by rule, establish criteria for the award of grants,  
 2876 including criteria relating to artistic quality, creativity,  
 2877 potential public exposure and benefit, ability to properly  
 2878 administer grant funds, and such other matters deemed necessary  
 2879 and appropriate to further the purposes of this act. The  
 2880 department ~~division~~ shall expend all funds in accordance with  
 2881 state law and shall use such appropriations to supplement the  
 2882 financial support of:

2883 (a) Programs which have substantial artistic and cultural  
 2884 significance, giving emphasis to American creativity and the  
 2885 maintenance and encouragement of professional excellence.

2886 (b) Programs meeting professional standards or standards  
 2887 of authenticity, irrespective of origin, which programs are of  
 2888 significant merit and which, without such assistance, would  
 2889 otherwise be unavailable to the citizens of this state.

2890 (2) Grants shall be made by contract with any nonprofit  
 2891 corporation, local or state governmental entity, or artist  
 2892 engaged in or concerned with the arts. Of the total amount of  
 2893 funds available from all sources for art grants, 70 percent of

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2894 such funds shall be awarded on a 50-percent matching basis. Up  
 2895 to 30 percent of such funds available may be awarded on a  
 2896 nonmatching basis, including individual fellowships.

2897 (3) In administering grants, contracts, and funds  
 2898 appropriated for arts programs, the department ~~division~~ may  
 2899 release moneys in advance on a quarterly basis. By the end of  
 2900 the contract period, the grantee or contractee shall furnish to  
 2901 the department ~~division~~ a complete and accurate accounting of  
 2902 how all state funds were expended. Postaudits to be conducted by  
 2903 an independent certified public accountant may be required in  
 2904 accordance with rules adopted by the department ~~division~~.

2905 (4) The department ~~division~~ is authorized to develop and  
 2906 conduct a challenge grant program available to cultural  
 2907 institutions or groups of institutions that have local,  
 2908 regional, or statewide impact. Challenge grants shall be made  
 2909 for not less than \$10,000; and matching moneys must be on at  
 2910 least a basis of 1 to 1 for local projects, 2 to 1 for regional  
 2911 projects, and 3 to 1 for state or capital projects, with the  
 2912 institution providing the higher amount in the ratio. The  
 2913 department ~~division~~ shall by rule establish the specific  
 2914 eligibility and matching criteria for such grants. Separate  
 2915 funding for this program shall be provided by the Legislature.

2916 (5) The department ~~division~~ shall not award any new grant  
 2917 which will, in whole or in part, inure to the personal benefit  
 2918 of any council or review panel member during that member's term  
 2919 of office if the council or panel member participated in the  
 2920 vote of the council or panel recommending the award. This  
 2921 subsection shall not prohibit the department ~~division~~ from

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2922 awarding a grant to an entity with which a council or panel  
 2923 member is associated.

2924 (6) The department ~~division~~ shall by rule provide for  
 2925 separate consideration of grant applications of state-supported  
 2926 institutions from those of private institutions and individuals.

2927 Section 109. Paragraphs (b), (c), and (d) of subsection  
 2928 (2) of section 265.2861, Florida Statutes, are amended to read:

2929 265.2861 Cultural Institutions Program; trust fund.--

2930 (2) CULTURAL INSTITUTIONS PROGRAM.--

2931 (b) The Department of State shall establish, by rule,  
 2932 criteria for the award of grants to cultural organizations,  
 2933 including criteria relating to program quality, potential public  
 2934 exposure and benefit, fiscal stability, ability to properly  
 2935 administer grant funds, procedures for peer evaluation, and  
 2936 other matters deemed necessary and appropriate to further the  
 2937 purposes of this section. The department ~~Division of Cultural~~  
 2938 ~~Affairs~~ shall award grants to supplement the financial support  
 2939 of cultural organizations that have displayed a sustained  
 2940 commitment to cultural excellence and to recognize organizations  
 2941 for superior cultural contributions that have regional or  
 2942 statewide impact.

2943 (c) Cultural organizations shall receive funding by the  
 2944 department ~~Division of Cultural Affairs~~ from the Cultural  
 2945 Institutions Trust Fund or as otherwise provided by the  
 2946 Legislature.

2947 (d)1. Upon appropriation by the Legislature of funds for  
 2948 the Cultural Institutions Program, the Department of State shall  
 2949 execute a contract with each organization, which must contain  
 2950 information relative to the program, the projected operating

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2951 income and expenses, and other provisions deemed necessary by  
 2952 the department for the administration of the program.

2953 2. Each recipient organization must submit an annual  
 2954 report to the department ~~Division of Cultural Affairs~~ detailing  
 2955 the expenditure of funds and is subject to the auditing  
 2956 provisions and rules of the department ~~division~~.

2957 Section 110. Section 265.2862, Florida Statutes, is  
 2958 amended to read:

2959 265.2862 General support program for cultural  
 2960 institutions.--~~The Division of Cultural Affairs of the~~  
 2961 Department of State shall develop and conduct a general support  
 2962 program designed to supplement the financial support of cultural  
 2963 organizations that have a sustained commitment to cultural  
 2964 excellence and to recognize organizations for superior cultural  
 2965 contributions that have regional or statewide impact. The  
 2966 department ~~division~~ shall establish, by rule, criteria for  
 2967 awarding grants to the cultural organizations. The rules must  
 2968 include, but need not be limited to, criteria relating to  
 2969 program quality, potential public exposure and benefit, fiscal  
 2970 stability, ability to properly administer grant funds, and  
 2971 procedures for a peer evaluation process.

2972 Section 111. Subsections (4) and (6) of section 265.2865,  
 2973 Florida Statutes, are amended to read:

2974 265.2865 Florida Artists Hall of Fame.--

2975 (4) ~~In the first year, the Secretary of State shall name~~  
 2976 ~~no more than 12 members to the Florida Artists Hall of Fame.~~  
 2977 ~~Thereafter,~~ The Secretary of State shall name no more than four  
 2978 members to the Florida Artists Hall of Fame in any 1 year.

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2979           (6) The ~~Division of Cultural Affairs of the~~ Department of  
 2980 State shall adopt rules necessary to carry out the purposes of  
 2981 this section, including, but not limited to, procedures for  
 2982 accepting nominations to, making recommendations for, selecting  
 2983 members of the Florida Artists Hall of Fame, and providing  
 2984 travel expenses for such recipients. Notwithstanding the  
 2985 provisions of s. 112.061, the Secretary of State may approve  
 2986 first-class travel accommodations for recipients of the Florida  
 2987 Artists Hall of Fame award and their representatives for health  
 2988 or security purposes.

2989           Section 112. Section 265.603, Florida Statutes, is amended  
 2990 to read:

2991           265.603 Definitions relating to Cultural Endowment  
 2992 Program.--The following terms and phrases when used in ss.  
 2993 265.601-265.607 shall have the meaning ascribed to them in this  
 2994 section, except where the context clearly indicates a different  
 2995 meaning:

2996           (1) "Department" means the Department of State.

2997           ~~(2) "Division" means the Division of Cultural Affairs of~~  
 2998 ~~the Department of State.~~

2999           (2)~~(3)~~ "Cultural" means the disciplines of dance, music,  
 3000 theater, visual arts, literature, media arts, interdisciplinary  
 3001 and multidisciplinary, and programs of museums.

3002           (3)~~(4)~~ "Secretary" means the Secretary of State.

3003           (4)~~(5)~~ "Sponsoring organization" means a cultural  
 3004 organization which:

3005           (a) Is designated as not for profit pursuant to s.

3006 501(c)(3) or (4) of the Internal Revenue Code of 1954;

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3007 (b) Is described in, and allowed to receive contributions  
 3008 pursuant to, the provisions of s. 170 of the Internal Revenue  
 3009 Code of 1954;

3010 (c) Is a corporation not for profit incorporated pursuant  
 3011 to chapter 617; and

3012 (d) Is primarily and directly responsible for conducting,  
 3013 creating, producing, presenting, staging, or sponsoring a  
 3014 cultural exhibit, performance, or event. This provision  
 3015 includes museums owned and operated by political subdivisions of  
 3016 the state, except those constituted pursuant to s. 1004.67.

3017 Section 113. Paragraph (b) of subsection (4) of section  
 3018 265.606, Florida Statutes, is amended to read:

3019 265.606 Cultural Endowment Program; administration;  
 3020 qualifying criteria; matching fund program levels;  
 3021 distribution.--

3022 (4) Once the secretary has determined that the sponsoring  
 3023 organization has complied with the criteria imposed by this  
 3024 section, he or she may authorize the transfer of the appropriate  
 3025 state matching funds to the organization. However, the secretary  
 3026 shall ensure that the local group has made prudent arrangements  
 3027 for the trusteeship of the entire endowment, and such  
 3028 trusteeship is hereby created. The sponsoring organization may  
 3029 then expend moneys in the endowment program fund, subject to the  
 3030 following requirements:

3031 (b) The organization shall annually submit a report to the  
 3032 department ~~division~~, in such form as the department ~~division~~  
 3033 specifies, explaining how endowment program funds were utilized.

3034 Section 114. Subsections (1), (4), and (5) of section  
 3035 265.608, Florida Statutes, are amended to read:

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3036 265.608 Science Museum; grants.--

3037 (1) The ~~Division of Cultural Affairs of the~~ Department of  
 3038 State is authorized to grant moneys from the Cultural  
 3039 Institutions Trust Fund, including matching grants to science  
 3040 museums recommended by the Florida Arts Council and approved by  
 3041 the Secretary of State. The department ~~division~~ shall, by rule,  
 3042 establish criteria for awarding grants including criteria based  
 3043 upon the quality of the proposed grant recipient, the potential  
 3044 public exposure and public benefit of the exhibits of the  
 3045 proposed grant recipient, and the ability of the proposed grant  
 3046 recipient to properly administer grant funds and any other  
 3047 criteria the department ~~division~~ determines are necessary and  
 3048 appropriate to further the purposes of this act. The department  
 3049 ~~division~~ shall grant moneys ~~from the trust fund~~ in accordance  
 3050 with state law.

3051 (4) The Secretary of State may appoint review panels  
 3052 representing various disciplines to assist the Florida Arts  
 3053 Council in the grant review process contemplated by this  
 3054 section. The term of office of each review panel member shall be  
 3055 1 year. The membership of each panel shall include persons  
 3056 actively involved in the specific discipline for which the  
 3057 respective panel is to review grants. Members of the panels  
 3058 shall not receive any compensation for their services, but shall  
 3059 be reimbursed for travel and expenses incurred in the  
 3060 performance of their duties, as provided in s. 112.061. The  
 3061 panels shall review grant applications and make recommendations  
 3062 to the council concerning the relative merits of the applicants.  
 3063 The department ~~division~~ shall by rule establish criteria for  
 3064 reviewing grant applications to ensure compliance with

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3065 applicable state laws relating to nondiscrimination and  
3066 prohibited conflicts of interest.

3067       (5) The department ~~division~~ may grant moneys quarterly  
3068 ~~from the trust fund~~ to science museums in advance of an exhibit  
3069 or program for which the moneys are granted, pursuant to a grant  
3070 agreement or a contract. Before the end of the contract period,  
3071 the grant recipient shall file with the department ~~division~~ a  
3072 complete accounting of all moneys received from the trust fund.

3073       The department ~~division~~ may adopt rules requiring a postaudit  
3074 of such accounting to be conducted by an independent certified  
3075 public accountant.

3076       Section 115. Subsections (1), (4), and (5) of section  
3077 265.609, Florida Statutes, are amended to read:

3078       265.609 Youth and Children's Museum; grants.--

3079       (1) The ~~Division of Cultural Affairs of the~~ Department of  
3080 State is authorized to grant moneys from the Cultural  
3081 Institutions Trust Fund, including matching grants, to youth and  
3082 children's museums recommended by the Florida Arts Council and  
3083 approved by the Secretary of State. The department ~~division~~  
3084 shall, by rule, establish criteria for awarding grants,  
3085 including criteria based upon the quality of the proposed grant  
3086 recipient, the potential public exposure and public benefit of  
3087 the exhibits of the proposed grant recipient, and the ability of  
3088 the proposed grant recipient to properly administer grant funds,  
3089 and any other criteria the department ~~division~~ determines are  
3090 necessary and appropriate to further the purposes of this  
3091 section. The department ~~division~~ shall grant moneys ~~from the~~  
3092 ~~trust fund~~ in accordance with state law.

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3093 (4) The secretary may appoint review panels representing  
 3094 various disciplines to assist the Florida Arts Council in the  
 3095 grant review process. Review panel members shall serve for 1-  
 3096 year terms. Each panel shall include persons actively involved  
 3097 in the specific discipline for which the panel is to review  
 3098 grants. The panels shall review grant applications and make  
 3099 recommendations to the council concerning the relative merits of  
 3100 the applicants. The department ~~division~~ shall, by rule,  
 3101 establish criteria for reviewing grant applications to ensure  
 3102 compliance with applicable state laws relating to discrimination  
 3103 and conflicts of interest.

3104 (5) The department ~~division~~ may grant moneys quarterly  
 3105 ~~from the trust fund~~ to youth and children's museums in advance  
 3106 of an exhibit or program for which the moneys are granted,  
 3107 pursuant to a grant agreement or a contract. Before the end of  
 3108 the contract period, the grant recipient shall file with the  
 3109 department ~~division~~ a complete accounting of all moneys received  
 3110 from the trust fund. The department ~~division~~ may adopt rules  
 3111 requiring a postaudit of such accounting to be conducted by an  
 3112 independent certified public accountant.

3113 Section 116. Subsections (1), (3), and (4) of section  
 3114 265.701, Florida Statutes, are amended to read:

3115 265.701 Cultural facilities; grants for acquisition,  
 3116 renovation, or construction; funding; approval; allocation.--

3117 (1) The department ~~Division of Cultural Affairs~~ may accept  
 3118 and administer moneys appropriated to it for providing grants to  
 3119 counties, municipalities, and qualifying nonprofit corporations  
 3120 for the acquisition, renovation, or construction of cultural  
 3121 facilities.

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3122 (3) The Florida Arts Council shall review each application  
 3123 for a grant to acquire, renovate, or construct a cultural  
 3124 facility which is submitted pursuant to subsection (2) and shall  
 3125 submit annually to the Secretary of State for approval lists of  
 3126 all applications that are recommended by the council for the  
 3127 award of grants, arranged in order of priority. The department  
 3128 ~~division~~ may allocate grants only for projects that are approved  
 3129 or for which funds are appropriated by the Legislature.  
 3130 Projects approved and recommended by the Secretary of State  
 3131 which are not funded by the Legislature shall be retained on the  
 3132 project list for the following grant cycle only. All projects  
 3133 that are retained shall be required to submit such information  
 3134 as may be required by the department as of the established  
 3135 deadline date of the latest grant cycle in order to adequately  
 3136 reflect the most current status of the project.

3137 (4) The department ~~Division of Cultural Affairs~~ shall  
 3138 adopt rules prescribing the criteria to be applied by the  
 3139 Florida Arts Council in recommending applications for the award  
 3140 of grants and rules providing for the administration of the  
 3141 other provisions of this section.

3142 Section 117. Subsections (1), (4), and (8) of section  
 3143 265.702, Florida Statutes, are amended to read:

3144 265.702 Regional cultural facilities; grants for  
 3145 acquisition, renovation, or construction; funding; approval;  
 3146 allocation.--

3147 (1) The ~~Division of Cultural Affairs of the~~ Department of  
 3148 State may accept and administer moneys that are appropriated to  
 3149 it for providing grants to counties, municipalities, and

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3150 qualifying nonprofit corporations for the acquisition,  
 3151 renovation, or construction of regional cultural facilities.

3152 (4) The Florida Arts Council shall review each application  
 3153 for a grant to acquire, renovate, or construct a regional  
 3154 cultural facility which is submitted under subsection (2) and  
 3155 shall submit annually to the Secretary of State for approval a  
 3156 list of all applications received and a list of all projects  
 3157 that are recommended by the council for the award of grants,  
 3158 arranged in order of priority. The department ~~division~~ may  
 3159 allocate grants only for regional cultural facilities that are  
 3160 approved by the secretary or for which funds are appropriated by  
 3161 the Legislature. Regional cultural facilities that are approved  
 3162 and recommended by the Secretary of State but are not funded by  
 3163 the Legislature shall be retained on the project list for the  
 3164 following grant cycle only. For each project that is retained,  
 3165 such information as the department requires must be submitted by  
 3166 the established deadline date of the latest grant cycle, in  
 3167 order to adequately reflect the most current status of the  
 3168 regional cultural facility.

3169 (8) The department ~~Division of Cultural Affairs~~ may adopt  
 3170 rules prescribing the criteria to be applied to applications for  
 3171 grants and rules providing for the administration of this  
 3172 section.

3173 Section 118. Subsections (1) and (8) of section 267.021,  
 3174 Florida Statutes, are amended to read:

3175 267.021 Definitions.--For the purpose of this act, the  
 3176 term:

3177 (1) "Department ~~Division~~" means the ~~Division of Historical~~  
 3178 ~~Resources of the~~ Department of State.

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3179 (8) "Official Florida Historical Marker" means any marker,  
 3180 plaque, or similar device awarded, approved, or administered by  
 3181 the Department of State ~~Division of Historical Resources~~ for the  
 3182 purpose of recognizing and informing the general public about  
 3183 historic properties, persons, events, and other topics relating  
 3184 to the history and culture of the state.

3185 Section 119. Section 267.031, Florida Statutes, is amended  
 3186 to read:

3187 267.031 Department of State ~~Division of Historical~~  
 3188 ~~Resources~~; powers and duties.--

3189 (1) The department ~~division~~ has authority to adopt rules  
 3190 pursuant to ss. 120.536(1) and 120.54 to implement provisions of  
 3191 this chapter conferring duties upon it.

3192 (2) The department ~~division~~ may make and enter into all  
 3193 contracts and agreements with other agencies, organizations,  
 3194 associations, corporations and individuals, or federal agencies  
 3195 as it may determine are necessary, expedient, or incidental to  
 3196 the performance of its duties or the execution of its powers  
 3197 under this chapter.

3198 (3) The department ~~division~~ may accept gifts, grants,  
 3199 bequests, loans, and endowments for purposes not inconsistent  
 3200 with its responsibilities under this chapter.

3201 (4) All law enforcement agencies and offices are  
 3202 authorized and directed to assist the department ~~division~~ in  
 3203 carrying out its duties under this chapter.

3204 (5) It is the responsibility of the department ~~division~~  
 3205 to:

3206 (a) Cooperate with federal and state agencies, local  
 3207 governments, and private organizations and individuals to direct

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3208 and conduct a comprehensive statewide survey of historic  
 3209 resources and to maintain an inventory of such resources.

3210 (b) Develop a comprehensive statewide historic  
 3211 preservation plan.

3212 (c) Identify and nominate through the State Historic  
 3213 Preservation Officer eligible properties to the National  
 3214 Register of Historic Places and otherwise administer  
 3215 applications for listing historic properties in the National  
 3216 Register.

3217 (d) Cooperate with federal and state agencies, local  
 3218 governments, and organizations and individuals to ensure that  
 3219 historic resources are taken into consideration at all levels of  
 3220 planning and development.

3221 (e) Advise and assist, as appropriate, federal and state  
 3222 agencies and local governments in carrying out their historic  
 3223 preservation responsibilities and programs.

3224 (f) Provide public information, education, and technical  
 3225 assistance relating to historic preservation programs.

3226 (g) Cooperate with local governments and organizations and  
 3227 individuals in the development of local historic preservation  
 3228 programs, including the Main Street Program of the National  
 3229 Trust for Historic Preservation, or any similar programs that  
 3230 are ~~may be~~ developed by the department ~~division~~.

3231 (h) Carry out on behalf of the state the programs of the  
 3232 National Historic Preservation Act of 1966, as amended, and to  
 3233 establish, maintain, and administer a state historic  
 3234 preservation program meeting the requirements of an approved  
 3235 program and fulfilling the responsibilities of state historic  
 3236 preservation programs as provided in s. 101(b) of that act.

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3237 (i) Take such other actions necessary or appropriate to  
3238 locate, acquire, protect, preserve, operate, interpret, and  
3239 promote the location, acquisition, protection, preservation,  
3240 operation, and interpretation of historic resources to foster an  
3241 appreciation of Florida history and culture. Prior to the  
3242 acquisition, preservation, interpretation, or operation of a  
3243 historic property by a state agency, the department ~~division~~  
3244 shall be provided a reasonable opportunity to review and comment  
3245 on the proposed undertaking and shall determine that there  
3246 exists historical authenticity and a feasible means of providing  
3247 for the preservation, interpretation, and operation of such  
3248 property. Expenditures by the department ~~division~~ to protect or  
3249 preserve historic properties leased by the department ~~division~~  
3250 from the Board of Trustees of the Internal Improvement Trust  
3251 Fund may be exempt from the competitive bid requirements of  
3252 chapters 255 and 287.

3253 (j) Cooperate and coordinate with the Division of  
3254 Recreation and Parks of the Department of Environmental  
3255 Protection in the operation and management of historic  
3256 properties or resources subject to review under s. 267.061(2) by  
3257 the department ~~Division of Historical Resources~~.

3258 (k) Establish professional standards for the preservation,  
3259 exclusive of acquisition, of historic resources in state  
3260 ownership or control.

3261 (l) Establish guidelines for state agency responsibilities  
3262 under s. 267.061(2).

3263 (m) Establish regional offices for the purpose of  
3264 assisting the department ~~division~~ in the delivery of department  
3265 ~~historic preservation~~ services to the counties and

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3266 municipalities of the state and to the citizens of the State of  
 3267 Florida. ~~Historic preservation~~ Regional offices may ~~shall~~ be  
 3268 established, subject to the availability of funds, in ~~St.~~  
 3269 ~~Augustine, Tampa, Palm Beach County,~~ and in other areas of the  
 3270 state which the Secretary of State ~~division~~ deems appropriate.  
 3271 ~~For each regional office established, the division shall~~  
 3272 ~~establish a citizen support organization in accordance with s.~~  
 3273 ~~267.17. The board of directors of each citizen support~~  
 3274 ~~organization shall be appointed by the Secretary of State.~~

3275 (n) Establish and maintain a central inventory of historic  
 3276 properties for the state which shall consist of all such  
 3277 properties as may be reported to the department ~~division~~. This  
 3278 inventory shall be known as the Florida Master Site File.

3279 (o) Protect and administer historical resources abandoned  
 3280 on state-owned lands or on state-owned sovereignty submerged  
 3281 lands. The department ~~division~~ may issue permits for survey and  
 3282 exploration activities to identify historical resources and may  
 3283 issue permits for excavation and salvage activities to recover  
 3284 historical resources. The department ~~division~~ may issue permits  
 3285 for archaeological excavation for scientific or educational  
 3286 purposes on state-owned lands or on state-owned sovereignty  
 3287 submerged lands. The department ~~division~~ may also issue permits  
 3288 for exploration and salvage of historic shipwreck sites by  
 3289 commercial salvors on state-owned sovereignty submerged lands.  
 3290 The department ~~division~~ shall adopt rules to administer the  
 3291 issuance of permits for all such activities. In addition, the  
 3292 department ~~division~~ shall adopt rules to administer the transfer  
 3293 of objects recovered by commercial salvors under permit in  
 3294 exchange for recovery services provided to the state.

3295           (6) The department ~~division~~ shall employ a State  
 3296 Archaeologist, and such other archaeologists as deemed  
 3297 necessary, who shall possess such qualifications as the  
 3298 Secretary of State prescribes ~~division may prescribe~~. The State  
 3299 Archaeologist shall serve at the pleasure of the Secretary of  
 3300 State ~~division director~~ and shall have his or her duties  
 3301 prescribed by the Secretary of State ~~division director~~.

3302           (7) The department ~~division~~ shall employ a State Historic  
 3303 Preservation Officer, qualified by special training or  
 3304 experience in the field of historic preservation, and such other  
 3305 specialists in the field of historic preservation as deemed  
 3306 necessary, who shall possess such qualifications as the  
 3307 Secretary of State prescribes ~~division may prescribe~~. The State  
 3308 Historic Preservation Officer shall be designated as such by the  
 3309 Governor, upon the recommendation of the Secretary of State, and  
 3310 shall serve at the pleasure of the Secretary of State. The  
 3311 State Historic Preservation Officer shall conduct relations with  
 3312 representatives of the Federal Government and the respective  
 3313 states concerning matters of historic preservation, and shall  
 3314 perform such other duties as prescribed by the Secretary of  
 3315 State.

3316           Section 120. Paragraph (b) of subsection (1), paragraphs  
 3317 (a), (b), (c), and (e) of subsection (2), and subsection (3) of  
 3318 section 267.061, Florida Statutes, are amended to read:

3319           267.061 Historic properties; state policy,  
 3320 responsibilities.--

3321           (1) STATE POLICY RELATIVE TO HISTORIC PROPERTIES.--

3322           (b) It is further declared to be the public policy of the  
 3323 state that all treasure trove, artifacts, and such objects

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3324 having intrinsic or historical and archaeological value which  
3325 have been abandoned on state-owned lands or state-owned  
3326 sovereignty submerged lands shall belong to the state with the  
3327 title thereto vested in the ~~Division of Historical Resources of~~  
3328 the Department of State for the purposes of administration and  
3329 protection.

3330 (2) RESPONSIBILITIES OF STATE AGENCIES OF THE EXECUTIVE  
3331 BRANCH.--

3332 (a) Each state agency of the executive branch having  
3333 direct or indirect jurisdiction over a proposed state or state-  
3334 assisted undertaking shall, in accordance with state policy and  
3335 prior to the approval of expenditure of any state funds on the  
3336 undertaking, consider the effect of the undertaking on any  
3337 historic property that is included in, or eligible for inclusion  
3338 in, the National Register of Historic Places. Each such agency  
3339 shall afford the department ~~division~~ a reasonable opportunity to  
3340 comment with regard to such an undertaking.

3341 (b) Each state agency of the executive branch shall  
3342 initiate measures in consultation with the department ~~division~~  
3343 to assure that where, as a result of state action or assistance  
3344 carried out by such agency, a historic property is to be  
3345 demolished or substantially altered in a way which adversely  
3346 affects the character, form, integrity, or other qualities which  
3347 contribute to historical, architectural, or archaeological value  
3348 of the property, timely steps are taken to determine that no  
3349 feasible and prudent alternative to the proposed demolition or  
3350 alteration exists, and, where no such alternative is determined  
3351 to exist, to assure that timely steps are taken either to avoid  
3352 or mitigate the adverse effects, or to undertake an appropriate

3353 archaeological salvage excavation or other recovery action to  
 3354 document the property as it existed prior to demolition or  
 3355 alteration.

3356 (c) In consultation with the department ~~division~~, each  
 3357 state agency of the executive branch shall establish a program  
 3358 to locate, inventory, and evaluate all historic properties under  
 3359 the agency's ownership or control that appear to qualify for the  
 3360 National Register. Each such agency shall exercise caution to  
 3361 assure that any such historic property is not inadvertently  
 3362 transferred, sold, demolished, substantially altered, or allowed  
 3363 to deteriorate significantly.

3364 (e) Each state agency of the executive branch, in seeking  
 3365 to acquire additional space through new construction or lease,  
 3366 shall give preference to the acquisition or use of historic  
 3367 properties when such acquisition or use is determined to be  
 3368 feasible and prudent compared with available alternatives. The  
 3369 acquisition or use of historic properties is considered feasible  
 3370 and prudent if the cost of purchase or lease, the cost of  
 3371 rehabilitation, remodeling, or altering the building to meet  
 3372 compliance standards and the agency's needs, and the projected  
 3373 costs of maintaining the building and providing utilities and  
 3374 other services is less than or equal to the same costs for  
 3375 available alternatives. The agency shall request the department  
 3376 ~~division~~ to assist in determining if the acquisition or use of a  
 3377 historic property is feasible and prudent. Within 60 days after  
 3378 making a determination that additional space is needed, the  
 3379 agency shall request the department ~~division~~ to assist in  
 3380 identifying buildings within the appropriate geographic area  
 3381 that are historic properties suitable for acquisition or lease

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3382 by the agency, whether or not such properties are in need of  
3383 repair, alteration, or addition.

3384 (3) DEPARTMENT OF MANAGEMENT SERVICES.--The Department of  
3385 Management Services, in consultation with the department  
3386 ~~division~~, shall adopt rules for the renovation of historic  
3387 properties which are owned or leased by the state. Such rules  
3388 shall be based on national guidelines for historic renovation,  
3389 including the standards and guidelines for rehabilitation  
3390 adopted by the United States Secretary of the Interior.

3391 Section 121. Section 267.0612, Florida Statutes, is  
3392 amended to read:

3393 267.0612 Florida Historical Commission; creation;  
3394 membership; powers and duties.--In order to enhance public  
3395 participation and involvement in the preservation and protection  
3396 of the state's historic and archaeological sites and properties,  
3397 there is created within the Department of State the "Florida  
3398 Historical Commission." The commission shall serve in an  
3399 advisory capacity to the Secretary of State ~~director of the~~  
3400 ~~Division of Historical Resources to assist the director in~~  
3401 carrying out the purposes, duties, and responsibilities of the  
3402 department ~~division~~, as specified in this chapter.

3403 (1)(a) The commission shall be composed of 11 members.  
3404 Seven members shall be appointed by the Governor in consultation  
3405 with the Secretary of State, two members shall be appointed by  
3406 the President of the Senate, and two members shall be appointed  
3407 by the Speaker of the House of Representatives. Of the seven  
3408 members appointed by the Governor, one member must be a licensed  
3409 architect who has expertise in historic preservation and  
3410 architectural history; one member must be a professional

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3411 historian in the field of American history; one member must be a  
3412 professional architectural historian; one member must be an  
3413 archaeologist specializing in the field of prehistory; and one  
3414 member must be an archaeologist specializing in the historic  
3415 period. The remaining two members appointed by the Governor and  
3416 the two members appointed by the President of the Senate and the  
3417 Speaker of the House of Representatives, respectively, must be  
3418 representatives of the general public with demonstrated interest  
3419 in the preservation of Florida's historical and archaeological  
3420 heritage. At least one member of the commission shall be a  
3421 resident of a county that has a population of 75,000 or fewer  
3422 less. A member whose term has expired shall continue to serve on  
3423 the commission until such time as a replacement is appointed.

3424 (b) Notwithstanding the provisions of paragraph (a), the  
3425 initial members of the commission shall be the members of the  
3426 Historic Preservation Advisory Council and the National Register  
3427 of Historic Places Review Board, serving on January 1, 2002, who  
3428 may serve the remainder of their respective terms. New  
3429 appointments to the commission shall not be made until the  
3430 retirement, resignation, removal, or expiration of the terms of  
3431 the initial members results in fewer than 11 members remaining.

3432 As vacancies occur, the first appointments shall be the five  
3433 professionally designated members appointed by the Governor.  
3434 The President of the Senate, the Speaker of the House of  
3435 Representatives, and the Governor, respectively, shall then  
3436 alternate appointments until the commission is composed as  
3437 required herein.

3438 (2) Commission members appointed by the President of the  
3439 Senate and the Speaker of the House of Representatives shall be

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3440 appointed for 2-year terms. Additionally, these commission  
3441 members shall serve as the legislative historic preservation  
3442 advisory body to the Speaker of the House of Representatives and  
3443 the President of the Senate with respect to the collection and  
3444 preservation of the historic records of both houses of the  
3445 Legislature. Commission members appointed by the Governor shall  
3446 be appointed to 4-year terms. Vacancies shall be filled for the  
3447 remainder of the term and by the original appointing authority.

3448 (3) The Governor shall designate a member of the  
3449 commission as the commission's presiding officer to serve in  
3450 that capacity at the pleasure of the Governor. Each year the  
3451 commission shall select an assistant presiding officer from its  
3452 membership.

3453 (4) The commission shall meet upon the call of the  
3454 presiding officer or Secretary of State, which shall occur at  
3455 least quarterly. Members shall serve without pay, but shall be  
3456 entitled to reimbursement for their expenses in carrying out  
3457 their official duties, as provided in s. 112.061.

3458 (5) All action taken by the commission shall be by  
3459 majority vote of those members present. The State Historic  
3460 Preservation Officer ~~director of the division~~ or his or her ~~the~~  
3461 ~~director's~~ designee shall serve without voting rights as  
3462 secretary to the commission. The Historic Preservation Office  
3463 ~~division~~ shall provide necessary staff assistance to the  
3464 commission.

3465 (6) It shall be the responsibility of the commission to  
3466 provide assistance, advice, and recommendations to the  
3467 department ~~division~~ in:

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3468 (a) Establishing priorities for the identification,  
3469 acquisition, protection, and preservation of historic and  
3470 archaeological sites and properties.

3471 (b) Establishing criteria for use in assessing the  
3472 significance of historic and archaeological sites and  
3473 properties.

3474 (c) Evaluating proposals for awards of special category  
3475 historic preservation grants-in-aid administered by the  
3476 Department of State ~~division~~. Pursuant thereto, the commission  
3477 shall review and evaluate proposals for special category grants  
3478 and shall make recommendations, including a priority ranking,  
3479 reflecting such evaluation. In making such evaluation and  
3480 recommendations, the commission shall, at a minimum, consider  
3481 the purpose, economic and other public benefit, location,  
3482 compatibility with statewide historic preservation priorities,  
3483 and cost of each proposal for special category grant assistance.

3484 (d) Providing an active outreach program to encourage  
3485 public understanding of and involvement in the preservation of  
3486 the state's historic and archaeological sites and properties.

3487 (e) Identifying and expressing public goals for historic  
3488 preservation and gathering public ideas necessary for the  
3489 formulation of alternative policies.

3490 (f) Recommending rules relating to the historic  
3491 preservation programs administered by the department ~~division~~  
3492 pursuant to this chapter.

3493 (7) It shall be the additional responsibility of the  
3494 commission to provide such other assistance and advice to the  
3495 department ~~division~~ as required by this chapter and as may be  
3496 required from time to time in matters pertaining to the

3497 protection and preservation of the state's historic and  
 3498 archaeological sites and properties.

3499 (8) The five members appointed by the Governor from the  
 3500 professions designated in paragraph (1)(a) shall sit as  
 3501 Florida's National Register Review Board and shall perform the  
 3502 duties of that board established by the National Historic  
 3503 Preservation Act of 1966, as amended. If a vacancy exists in  
 3504 one of the five designated seats, the Secretary of State  
 3505 ~~division director~~ shall assign another member of the Florida  
 3506 Historical Commission to serve until the vacancy is filled.

3507 Section 122. Section 267.0617, Florida Statutes, is  
 3508 amended to read:

3509 267.0617 Historic Preservation Grant Program.--

3510 (1) There is ~~hereby~~ created within the Department of State  
 3511 ~~division~~ the Historic Preservation Grant Program, which shall  
 3512 make grants of moneys appropriated by the Legislature, moneys  
 3513 deposited pursuant to s. 550.0351(2), and moneys contributed for  
 3514 that purpose from any other source. The program funds shall be  
 3515 used by the department ~~division~~ for the purpose of financing  
 3516 grants in furtherance of the purposes of this section.

3517 (2) The department ~~division~~ is authorized to conduct and  
 3518 carry out a program of historic preservation grants-in-aid,  
 3519 including matching grants, to any department or agency of the  
 3520 state; any unit of county, municipal, or other local government;  
 3521 any corporation, partnership, or other organization, whether  
 3522 public or private or whether or not for profit; or any  
 3523 individual for projects having as their purpose the  
 3524 identification, acquisition, protection, preservation,  
 3525 rehabilitation, restoration, or construction of historic sites

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3526 and properties, or Florida history, or the planning of such  
3527 activities. Funds appropriated from general revenue for the  
3528 historic preservation grants-in-aid program shall not be  
3529 provided for a project owned by private individuals or owned by  
3530 for-profit corporations. All moneys received from any source as  
3531 appropriations, deposits, or contributions to this program shall  
3532 be paid and credited to the Historical Resources Operating Trust  
3533 Fund or as otherwise provided by the Legislature.

3534 (3) All grants of state funds to assist the preservation  
3535 of historic properties shall be made from the Historical  
3536 Resources Operating Trust Fund or as otherwise provided by the  
3537 Legislature and may be awarded only pursuant to applications for  
3538 such assistance made to the Department of State ~~Division of~~  
3539 ~~Historical Resources~~. The Florida Historical Commission shall  
3540 review each application for a special category historic  
3541 preservation grant-in-aid. Special category historic  
3542 preservation grants-in-aid are those reviewed and recommended by  
3543 the Secretary of State for submission for legislative funding  
3544 consideration. Grant review panels appointed by the Secretary  
3545 of State and chaired by a member of the Florida Historical  
3546 Commission shall review each application for other historic  
3547 preservation grants-in-aid. The reviewing body shall submit  
3548 annually to the Secretary of State for approval lists of all  
3549 applications that are recommended by the reviewing body for the  
3550 award of grants, arranged in order of priority.

3551 (4) The Department of State ~~Division of Historical~~  
3552 ~~Resources~~ may accept and administer moneys appropriated to it  
3553 for the purpose of providing grants for the projects approved by  
3554 the Secretary of State.

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3555           (5) The Department of State ~~Division of Historical~~  
 3556 ~~Resources~~ shall adopt rules prescribing the criteria to be  
 3557 applied by the Florida Historical Commission and the grant  
 3558 review panels in recommending applications for the award of  
 3559 grants and rules providing for the administration of the other  
 3560 provisions of this section.

3561           Section 123. Section 267.0619, Florida Statutes, is  
 3562 amended to read:

3563           267.0619 Historical Museum Grants.--The Department of  
 3564 State ~~division~~ may conduct a program to provide:

3565           (1)(a) Grants ~~from the Historical Resources Operating~~  
 3566 ~~Trust Fund~~, including matching grants, to a department or agency  
 3567 of the state; a unit of county, municipal, or other local  
 3568 government; or a public or private profit or nonprofit  
 3569 corporation, partnership, or other organization to assist in the  
 3570 development of public educational exhibits relating to the  
 3571 historical resources of Florida; and

3572           (b) Grants ~~from the Historical Resources Operating Trust~~  
 3573 ~~Fund~~ to Florida history museums that are not state-operated to  
 3574 assist such museums in program development ~~paying for operating~~  
 3575 ~~costs~~.

3576           (2) In order to be eligible to receive a grant ~~from the~~  
 3577 ~~trust fund to assist in paying operating costs~~, a Florida  
 3578 history museum must fulfill the following criteria:

3579           (a) The mission of the museum must relate directly and  
 3580 primarily to the history of Florida. ~~If the museum has more~~  
 3581 ~~than one mission, the museum is eligible to receive a grant for~~  
 3582 ~~that portion of the operating costs which is reasonably~~  
 3583 ~~attributable to its mission relating to the history of Florida;~~

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3584 (b) The museum must have been operating and open to the  
3585 public for at least 180 days each year during the 2-year period  
3586 immediately preceding the date upon which the museum applies for  
3587 the grant;

3588 (c) The museum must be open and providing museum services  
3589 to the public for at least 180 days each year; and

3590 (d) The museum must currently employ, and must have  
3591 employed during the 2-year period immediately preceding the date  
3592 upon which the museum applies for the grant, at least one full-  
3593 time staff member or one full-time volunteer ~~the equivalent~~  
3594 ~~thereof~~ whose primary responsibility is to acquire, maintain,  
3595 and exhibit to the public objects that are owned by, or are on  
3596 loan to, the museum.

3597 (3) An application for a grant must be made to the  
3598 Department of State ~~division~~ on a form provided by the  
3599 department ~~division~~. The department ~~division~~ shall adopt rules  
3600 prescribing categories of grants, application requirements,  
3601 criteria and procedures for the review and evaluation of  
3602 applications, and other procedures necessary for the  
3603 administration of the program, subject to the requirements of  
3604 this section. Grant review panels appointed by the Secretary of  
3605 State and chaired by a member of the Florida Historical  
3606 Commission or designee thereof shall review each application for  
3607 a museum grant-in-aid. The review panel shall submit to the  
3608 Secretary of State for approval lists of all applications that  
3609 are recommended by the panel for the award of grants, arranged  
3610 in order of priority. The department ~~division~~ may award a grant  
3611 to a Florida history museum only if the award has been approved  
3612 by the Secretary of State.

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3613 (4) Money received as an appropriation or contribution to  
 3614 the grants program must be deposited into the Historical  
 3615 Resources Operating Trust Fund or as otherwise provided by the  
 3616 Legislature. Money appropriated from general revenue to the  
 3617 trust fund for the program may not be granted to a private for-  
 3618 profit museum. Money appropriated from any source to the trust  
 3619 fund for the program may not be granted to pay the cost of  
 3620 locating, identifying, evaluating, acquiring, preserving,  
 3621 protecting, restoring, rehabilitating, stabilizing, or  
 3622 excavating an archaeological or historic site or a historic  
 3623 building or the planning of any of those activities.

3624 (5) The department ~~division~~ may grant moneys quarterly  
 3625 ~~from the Historical Resources Operating Trust Fund~~ to history  
 3626 museums in advance of an exhibit or program for which the moneys  
 3627 are granted.

3628 Section 124. Subsection (2) of section 267.062, Florida  
 3629 Statutes, is amended to read:

3630 267.062 Naming of state buildings and other facilities.--

3631 (2) The Department of State ~~division~~ shall, after  
 3632 consulting with the Florida Historical Commission, recommend  
 3633 several persons whose contributions to the state have been of  
 3634 such significance that the department ~~division~~ may recommend  
 3635 that state buildings and facilities be named for them.

3636 Section 125. Section 267.071, Florida Statutes, is amended  
 3637 to read:

3638 267.071 Historical museums.--It is the duty of the  
 3639 Department of State ~~division~~ to:

3640 (1) Promote and encourage throughout the state knowledge  
 3641 and appreciation of Florida history by encouraging the people of

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3642 the state to engage in the preservation and care of artifacts,  
 3643 museum items, treasure trove, and other historical properties;  
 3644 the collection, research, fabrication, exhibition, preservation,  
 3645 and interpretation of historical materials; the publicizing of  
 3646 the state's history through media of public information; and  
 3647 other activities in historical and allied fields.

3648 (2) Encourage, promote, maintain, and operate historical  
 3649 museums, including, but not limited to, mobile museums, junior  
 3650 museums, and the Museum of Florida History in the state capital.

3651 (3) Plan and develop, in cooperation with other state  
 3652 agencies and with municipalities, programs to promote and  
 3653 encourage the teaching of Florida's history and heritage in  
 3654 Florida schools and other educational institutions and other  
 3655 such educational programs as may be appropriate.

3656 Section 126. Section 267.072, Florida Statutes, is amended  
 3657 to read:

3658 267.072 Museum of Florida History programs.--

3659 (1) The department ~~division~~ shall establish and administer  
 3660 a museum store in the Museum of Florida History to provide  
 3661 information and materials relating to museum exhibits,  
 3662 collections, and programs to the public. The store may produce,  
 3663 acquire, and sell craft products, replicas and reproductions of  
 3664 artifacts, documents, and other merchandise relating to  
 3665 historical and cultural resources and may make a reasonable  
 3666 charge for such merchandise. All proceeds received from sales  
 3667 must be deposited into the Historical Resources Operating Trust  
 3668 Fund or, funds in excess of the amount required to pay employees  
 3669 involved in the direct management of the museum store, may be  
 3670 deposited into a bank account of the citizen support

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3671 organization created pursuant to s. 267.17 and may only be used  
3672 to support the programs of the Museum of Florida History. The  
3673 museum store may enter into agreements and accept credit-card  
3674 payments as compensation for goods and products sold. The  
3675 department ~~division~~ may establish accounts in credit-card banks  
3676 for the deposit of credit-card sales invoices and to pay  
3677 discounts and service charges in connection with the use of  
3678 credit cards.

3679 (2) The department ~~division~~ shall support the  
3680 establishment and operation of a nonprofit organization or  
3681 association established pursuant to s. 267.17 to promote and  
3682 encourage knowledge and appreciation of Florida history and the  
3683 programs of the Museum of Florida History and to cooperate with  
3684 historical societies and other organizations to provide funding  
3685 and promotional support for the programs of the museum. Such  
3686 organization or association may, with the consent of the  
3687 department ~~division~~, operate the museum store or conduct special  
3688 events and programs in the museum. All proceeds must be used to  
3689 support the programs of the Museum of Florida History.

3690 (3) The department ~~division~~ shall deposit gifts and  
3691 donations for the purpose of assisting the Museum of Florida  
3692 History and its programs in the Historical Resources Operating  
3693 Trust Fund to be used exclusively for the benefit of programs of  
3694 the museum and in a manner consistent with any terms or  
3695 conditions agreed to by the department ~~division~~ in accepting  
3696 such gifts.

3697 Section 127. Section 267.0731, Florida Statutes, is  
3698 amended to read:

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3699           267.0731 Great Floridians Program.--The department  
3700 ~~division~~ shall establish and administer a program, to be  
3701 entitled the Great Floridians Program, which shall be designed  
3702 to recognize and record the achievements of Floridians, living  
3703 and deceased, who have made major contributions to the progress  
3704 and welfare of this state.

3705           (1) The department ~~division~~ shall nominate present or  
3706 former citizens of this state, living or deceased, who during  
3707 their lives have made major contributions to the progress of the  
3708 nation or this state and its citizens. Nominations shall be  
3709 submitted to the Secretary of State who shall select from those  
3710 nominated not less than two persons each year who shall be  
3711 honored with the designation "Great Floridian," provided no  
3712 person whose contributions have been through elected or  
3713 appointed public service shall be selected while holding any  
3714 such office.

3715           (a) To enhance public participation and involvement in the  
3716 identification of any person worthy of being nominated as a  
3717 Great Floridian, the department ~~division~~ shall seek advice and  
3718 assistance from persons qualified through the demonstration of  
3719 special interest, experience, or education in the dissemination  
3720 of knowledge about the state's history.

3721           (b) In formulating its nominations, the department  
3722 ~~division~~ shall also seek the assistance of any organization ~~the~~  
3723 ~~Museum of Florida History Foundation, Inc., or its successor,~~  
3724 acting in the capacity as a citizen support organization of the  
3725 department ~~division~~, pursuant to s. 267.17 and approved to act  
3726 on behalf of the Museum of Florida History.

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3727 (c) Annually, the department ~~division~~ shall convene an ad  
3728 hoc committee composed of representatives of the Governor, each  
3729 member of the Florida Cabinet, the President of the Senate, and  
3730 the Speaker of the House of Representatives, ~~and the Museum of~~  
3731 ~~Florida History Foundation, Inc.~~ This committee shall meet at  
3732 least twice. The committee shall nominate not fewer than two  
3733 persons whose names shall be submitted to the Secretary of State  
3734 with the recommendation that they be honored with the  
3735 designation "Great Floridian."

3736 (2) Upon designation of a person as a Great Floridian by  
3737 the Secretary of State, the department ~~division~~ shall undertake  
3738 appropriate activities intended to achieve wide public knowledge  
3739 of the person designated.

3740 (a) The department ~~division~~ may seek to initiate  
3741 production of a film or videotape depicting the life and  
3742 contributions of the designee to this state and to the nation.  
3743 The production of such a film or videotape will be contingent  
3744 upon full funding through legislative appropriation or private  
3745 fundraising. If technology surpasses the use of film or  
3746 videotape, another medium of equal quality may be used.

3747 ~~1. In the production of such films, the division shall~~  
3748 ~~seek cooperation from local volunteers throughout the state and,~~  
3749 ~~in particular, shall seek fundraising and other assistance of~~  
3750 ~~the citizen support organization created pursuant to s. 267.17~~  
3751 ~~to support the programs of the Museum of Florida History.~~

3752 ~~1.2.~~ The Museum of Florida History shall be the repository  
3753 of the original negative, the original master tape, and all  
3754 cuttings, of any film or videotape produced under the authority  
3755 of this paragraph. The department ~~division~~ also may exercise

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3756 the right of trademark over the terms "Great Floridian" or  
3757 "Great Floridians" pursuant to s. 286.031.

3758 2.3- The department ~~division~~ shall arrange for the  
3759 distribution of copies of all films to the general public,  
3760 public television stations, educational institutions, and others  
3761 and may establish a reasonable charge to recover costs  
3762 associated with production and to provide a source of revenue to  
3763 assist with reproduction, marketing, and distribution of Great  
3764 Floridians films. Proceeds from such charges shall be deposited  
3765 into the Historical Resources Operating Trust Fund.

3766 (b) Deceased persons designated as Great Floridians  
3767 typically shall be recognized by markers affixed to properties  
3768 significantly associated with the major contributions of the  
3769 designee. Such markers shall be erected pursuant to the  
3770 provisions of s. 267.074.

3771 Section 128. Section 267.074, Florida Statutes, is amended  
3772 to read:

3773 267.074 State Historical Marker Program.--The department  
3774 ~~division~~ shall coordinate and direct the State Historical Marker  
3775 Program, which shall be a program of popular history and  
3776 heritage designed to inform the general public about persons,  
3777 events, structures, and other topics relating to the history and  
3778 culture of the state; encourage interest in preserving the  
3779 historical resources of the state and its localities; promote a  
3780 sense of community and place among Florida citizens; and provide  
3781 for the enjoyment and edification of tourists.

3782 (1) The department ~~division~~ shall encourage the initiation  
3783 of proposals for Official Florida Historical Markers from  
3784 departments or agencies of the state; units of county,

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3785 municipal, or other local governments; corporations,  
 3786 partnerships, or other organizations, whether public or private  
 3787 and whether or not for profit; or any individual. Markers may  
 3788 be installed to recognize historic properties, as well as  
 3789 individuals, events, and other topics significant in Florida or  
 3790 American history, architecture, archaeology, or culture.

3791 (2) By means of appropriate variations in marker design,  
 3792 the department ~~division~~ shall distinguish the following  
 3793 categories of Official Florida Historical Markers:

3794 (a) Florida Heritage Landmark markers, which shall be used  
 3795 to identify and interpret Heritage Landmark properties.

3796 (b) State Historic Highway markers, which shall be used to  
 3797 identify state historic highways, as provided in general law.

3798 (c) Florida Heritage markers, which shall be used to  
 3799 identify and interpret people, events, and places, including  
 3800 buildings and archaeological sites, which do not meet the  
 3801 criteria for a Florida Heritage Landmark, and other subjects  
 3802 relating to Florida history and culture.

3803 (d) Other special series of markers which the department  
 3804 ~~division~~ may establish to facilitate guiding the general public  
 3805 to places of historic interest and to facilitate identification  
 3806 and interpretation of topics of statewide interest, including,  
 3807 but not limited to, historic and scenic trails, byways, and  
 3808 greenways and anniversaries or other occasions of special  
 3809 significance to the history and culture of Florida.

3810  
 3811 The department ~~division~~ may exercise the right of trademark over  
 3812 the terms "Florida Heritage" or "Heritage Florida" pursuant to  
 3813 s. 286.031.

3814           (3) The department ~~division~~ shall establish and maintain a  
 3815 central register of all markers installed in each category set  
 3816 out in subsection (2). In addition, the department ~~division~~  
 3817 shall establish and maintain the Florida Register of Heritage  
 3818 Landmarks, a central register of historic properties, which  
 3819 generally shall consist of properties more than 50 years of age  
 3820 deemed worthy of preservation for their exceptional historical  
 3821 significance to the state as a whole or a region of the state  
 3822 and their architectural or archaeological integrity.

3823           (a) The department ~~division~~ shall adopt rules pursuant to  
 3824 ss. 120.536(1) and 120.54 that prescribe criteria and a process  
 3825 for the identification, evaluation, and designation of Heritage  
 3826 Landmark properties, as well as for withdrawal of designation.

3827           (b) The department ~~division~~ may waive the age requirement  
 3828 of 50 years for properties of overwhelming state or national  
 3829 importance; however, it is the intent of the Legislature that  
 3830 exceptions shall rarely be given.

3831           (c) The department ~~division~~ shall undertake a program to  
 3832 identify and nominate properties eligible for designation as  
 3833 Heritage Landmarks.

3834           (d) Designation of private property as a Heritage Landmark  
 3835 does not prohibit under Florida law or regulation any actions  
 3836 which may otherwise be taken by the property owner with respect  
 3837 to the property.

3838           (4) The department ~~division~~ shall develop a comprehensive  
 3839 plan for the State Historical Marker Program which shall be kept  
 3840 up to date and shall incorporate goals and objectives of the  
 3841 program, as well as policies, plans, and procedures relating to:

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3842 (a) Categories of Official Florida Historical Markers,  
3843 criteria for their use, and specifications for design.

3844 (b) Selection of subjects to be marked.

3845 (c) Published guides to Official Florida Historical  
3846 Markers, including methods for public distribution.

3847 (d) Maintenance of markers.

3848 (e) Removal or replacement of markers.

3849 (f) Placement of markers at historic sites which shall be,  
3850 in general, conspicuous and accessible to and easily reached by  
3851 the public and where something associated with the person,  
3852 historic property, event, or other subject being marked is still  
3853 visible.

3854 (g) Physical placement of the markers which shall be, in  
3855 general, conspicuous and easily reached by the public.

3856 (5)(a) The department ~~division~~ is authorized and empowered  
3857 to erect and maintain appropriate signs or markers indicating  
3858 sites of historic interest and value upon public property as  
3859 well as upon private property where permission is obtained.

3860 (b) The Department of Transportation or the governing body  
3861 of each county or municipality is authorized to permit and  
3862 assist the Department of State ~~division~~ in erecting and  
3863 maintaining such ~~said~~ historic signs or markers within the  
3864 right-of-way of any state highway, county road, or municipal  
3865 street, or any other property under its jurisdiction and  
3866 control, under such conditions and limitations as may be  
3867 appropriate. The Department of State ~~division~~ is hereby vested  
3868 with the exclusive authority and power to erect and maintain  
3869 said historic signs or markers within the right-of-way of any  
3870 state highway.

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3871           (6) The department ~~division~~ shall designate an approved  
3872 marker as an Official Florida Historical Marker. To ensure a  
3873 degree of uniformity and quality of historical markers,  
3874 monuments, plaques, medallions, and similar devices in this  
3875 state, and to avoid any confusion with or misrepresentation of  
3876 an Official Florida Historical Marker, no such marker or  
3877 reasonable facsimile thereof may be fabricated with any emblem,  
3878 design, or logo signifying another organization. No other  
3879 emblem, design, or marker size may be used in addition to or  
3880 instead of those offered by the department ~~division~~ for an  
3881 Official Florida Historical Marker. Emblems, designs, or logos  
3882 offered by the department ~~division~~ are property of the state and  
3883 may not be used for commercial advertising or copied for the use  
3884 of any other agency, association, corporation, or individual  
3885 without the express consent and authorization of the department  
3886 ~~division~~.

3887           (7) The department ~~division~~ may establish a reasonable fee  
3888 to recover its costs arising from review of a proposal for a  
3889 historical marker, monument, plaque, medallion, or similar  
3890 device. Any fee established shall be payable by the applicant  
3891 for the marker, monument, plaque, medallion, or similar device.

3892           (8) Funds for the creation and placement of an Official  
3893 Florida Historical Marker shall be provided by the agency,  
3894 organization, individual, or other entity proposing the marker.  
3895 The department ~~division~~ may erect Official Florida Historical  
3896 Markers at its own expense and may make competitive grants ~~from~~  
3897 ~~the Historical Resources Operating Trust Fund~~, pursuant to s.  
3898 267.0617, to assist in funding the costs of Official Florida

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3899 Historical Markers. All Official Florida Historical Markers  
3900 shall be considered property of the state.

3901 (9) The department ~~division~~ shall seek cooperation from  
3902 local volunteers throughout the state and, where appropriate,  
3903 shall encourage the establishment of citizen support  
3904 organizations, pursuant to s. 267.17, to assist in maintaining  
3905 Official Florida Historical Markers and facilitating public  
3906 access to places marked.

3907 Section 129. Subsections (3), (4), and (5) of section  
3908 267.0743, Florida Statutes, are amended to read:

3909 267.0743 State Historical Marker Council.--In order to  
3910 enhance public participation and involvement in the  
3911 identification and interpretation of subjects relating to the  
3912 history and culture of Florida, there is created the "State  
3913 Historical Marker Council."

3914 (3) The Secretary of State ~~director of the division~~ or his  
3915 or her designee shall serve without voting rights as secretary  
3916 to the council. The department ~~division~~ shall provide necessary  
3917 staff assistance to the council.

3918 (4) The council shall meet at the request of the  
3919 department ~~division~~ or at the request of a majority of its  
3920 membership to carry out its responsibilities, however, the  
3921 council need not convene a meeting but may give advice by means  
3922 of written or telephonic communication. Members shall serve  
3923 without pay, but shall be entitled to reimbursement for their  
3924 expenses in carrying out their official duties, as provided in  
3925 s. 112.061.

3926 (5) It shall be the responsibility of the council to  
3927 provide assistance, advice, and recommendations to the

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3928 department ~~division~~ in evaluating proposals for Official Florida  
 3929 Historical Markers and identifying goals for the State  
 3930 Historical Marker Program. The process of evaluation shall seek  
 3931 to establish the significance of the subject proposed for a  
 3932 marker, but neither the department ~~division~~ nor the council  
 3933 shall make proposal or evaluation requirements so complex or  
 3934 onerous as to preclude private citizens from directly submitting  
 3935 proposals without professional assistance.

3936 Section 130. Subsections (2), (3), and (4) of section  
 3937 267.075, Florida Statutes, are amended to read:

3938 267.075 The Grove Advisory Council; creation; membership;  
 3939 purposes.--

3940 (2) There is created within the Department of State The  
 3941 Grove Advisory Council for the purpose of advising the  
 3942 department ~~Division of Historical Resources~~ on the operation,  
 3943 maintenance, preservation, and protection of the Call/Collins  
 3944 House, commonly known as "The Grove," its grounds, cemetery, and  
 3945 all structures thereon; the furniture and furnishings located  
 3946 therein; any changes in the architecture, structure,  
 3947 furnishings, or landscaping deemed necessary or desirable by the  
 3948 council; and the design and development of interpretive programs  
 3949 and exhibits in connection therewith.

3950 (3)(a) The Grove Advisory Council shall be composed of  
 3951 eight members, as follows:

3952 1. Five members shall be private citizens appointed by the  
 3953 Secretary of State.

3954 2. One member shall be the Secretary of Management  
 3955 Services or his or her designee.

3956           3. One member shall be a representative of the department  
 3957 appointed by the Secretary ~~the director of the Division of~~  
 3958 ~~Historical Resources of the Department~~ of State.

3959           4. At least one member shall be a direct descendant of  
 3960 Mary Call Darby Collins appointed by the Secretary of State with  
 3961 the advice of the oldest living generation of lineal descendants  
 3962 of Mary Call Darby Collins.

3963  
 3964 Of the citizen members, at least one member shall have  
 3965 professional curatorial and museum expertise, one member shall  
 3966 have professional architectural expertise in the preservation of  
 3967 historic buildings, and one member shall have professional  
 3968 landscape expertise. The five citizen members of the council  
 3969 appointed by the Secretary of State and the member of the  
 3970 council who is a direct descendant of Mary Call Darby Collins  
 3971 appointed by the Secretary of State shall be appointed for  
 3972 staggered 4-year terms. The Secretary of State shall fill the  
 3973 remainder of unexpired terms for the five citizen members of the  
 3974 council and the member of the council who is a direct descendant  
 3975 of Mary Call Darby Collins.

3976           (b) The council shall annually elect a chair from among  
 3977 the five citizen members of the council appointed by the  
 3978 Secretary of State and the member of the council who is a direct  
 3979 descendant of Mary Call Darby Collins appointed by the Secretary  
 3980 of State. The chair shall serve for a term of 1 year. Meetings  
 3981 of the council shall be held at the call of the chair, at the  
 3982 request of a majority of its membership, at the request of the  
 3983 Secretary of State, or at such times as may be prescribed by  
 3984 rules of the council. The council shall meet at least twice

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3985 annually. A majority of the council shall constitute a quorum  
 3986 for the transaction of business.

3987 (c) The council shall obtain clerical, expert, technical,  
 3988 or other services from the department ~~Division of Historical~~  
 3989 ~~Resources~~. The Department of Management Services shall provide  
 3990 reasonable assistance to the Department of State in carrying out  
 3991 the purposes of this section.

3992 (d) Members of the council shall serve without  
 3993 compensation or honorarium but shall be entitled to receive  
 3994 reimbursement for per diem and travel expenses as provided in s.  
 3995 112.061. All expenses of the council shall be paid from  
 3996 appropriations to be made by the Legislature to the Department  
 3997 of State. All vouchers shall be approved by the department  
 3998 ~~Division of Historical Resources~~ before being submitted to the  
 3999 Chief Financial Officer for payment.

4000 (4)(a) The department ~~Division of Historical Resources~~,  
 4001 with the advice and assistance of the council, shall maintain  
 4002 the structure, style, character, and landscaping of The Grove,  
 4003 its grounds, its private family cemetery, and all structures  
 4004 thereon consistent with the character, plan, and design of The  
 4005 Grove at the time the state takes physical possession of The  
 4006 Grove and its surrounding property from Mary Call Darby Collins.  
 4007 It shall preserve and protect the antique furnishings and other  
 4008 articles of furniture, fixtures, and decorative objects and  
 4009 articles used or displayed in the premises.

4010 (b) The department ~~Division of Historical Resources~~ shall  
 4011 catalog and maintain a descriptive, photographic inventory of  
 4012 the furnishings, fixtures, and decorative objects and articles  
 4013 used or displayed in the premises.

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4014           (c) The department ~~Division of Historical Resources~~ may  
 4015 receive, on behalf of the state, contributions, bequests, and  
 4016 gifts of money, furniture, works of art, memorabilia, or other  
 4017 property consistent with the use of The Grove as described in  
 4018 this section. Title to all property which is received in this  
 4019 manner shall vest in the state and shall be held in trust by the  
 4020 department ~~Division of Historical Resources~~ solely to further  
 4021 the purposes of this section. No furniture, furnishings,  
 4022 fixtures, or decorative objects acquired from the Collins family  
 4023 or any of its members shall be used for any purpose except as a  
 4024 permanent part of The Grove's furniture, furnishings, fixtures,  
 4025 or decorative objects, and any such item not so utilized shall  
 4026 forthwith revert to the Collins family member or members from  
 4027 whom it was acquired. No gifts, contributions, or bequests shall  
 4028 be accepted for The Grove without the advice and recommendation  
 4029 of the council.

4030           (d) The Department of State ~~Division of Historical~~  
 4031 ~~Resources~~ shall adopt rules governing the maintenance and use of  
 4032 The Grove; the selection, acquisition, and disposition of  
 4033 furnishings and decorations for the premises; and the acceptance  
 4034 of gifts, contributions, bequests, or loans of property.

4035           Section 131. Section 267.081, Florida Statutes, is amended  
 4036 to read:

4037           267.081 Publications.--

- 4038           (1) It is the duty of the department ~~division~~ to:
- 4039           (a) Promote and encourage the writing of Florida history.
  - 4040           (b) Collect, edit, publish, and print pamphlets, papers,
  - 4041 manuscripts, documents, books, monographs, and other materials

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4042 relating to Florida history. The department ~~division~~ may  
4043 establish a reasonable charge for such publications.

4044 (c) Cooperate with and coordinate research and publication  
4045 activities of other agencies, organizations, historical  
4046 commissions and societies, corporations, and individuals, which  
4047 relate to historical matters.

4048 (d) Hold any moneys received from the sale of publications  
4049 by the department ~~division~~ in the operating trust fund of the  
4050 department ~~division~~ or in a separate depository account in the  
4051 name of a citizen support organization formed pursuant to s.  
4052 267.17 and subject to the provision of a letter of agreement  
4053 with the department ~~division~~.

4054 (2) The department ~~division~~ may exercise the right of  
4055 trademark and service mark over the terms "Florida History & the  
4056 Arts" or "Florida History and the Arts" pursuant to s. 286.031.

4057 Section 132. Section 267.11, Florida Statutes, is amended  
4058 to read:

4059 267.11 Designation of archaeological sites.--The  
4060 Department of State ~~division~~ may publicly designate an  
4061 archaeological site of significance to the scientific study or  
4062 public representation of the state's historical, prehistoric, or  
4063 aboriginal past as a "state archaeological landmark." In  
4064 addition, the department ~~division~~ may publicly designate an  
4065 interrelated grouping of significant archaeological sites as a  
4066 "state archaeological landmark zone." However, no site or  
4067 grouping of sites shall be so designated without the express  
4068 written consent of the private owner thereof. Upon designation  
4069 of an archaeological site, the owners and occupants of each  
4070 designated state archaeological landmark or landmark zone shall

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4071 be given written notification of such designation by the  
4072 department ~~division~~. Once so designated, no person may conduct  
4073 field investigation activities without first securing a permit  
4074 from the department ~~division~~.

4075 Section 133. Section 267.115, Florida Statutes, is amended  
4076 to read:

4077 267.115 Objects of historical or archaeological  
4078 value.--The Department of State ~~division~~ shall acquire,  
4079 maintain, preserve, interpret, exhibit, and make available for  
4080 study objects which have intrinsic historical or archaeological  
4081 value relating to the history, government, or culture of the  
4082 state. Such objects may include tangible personal property of  
4083 historical or archaeological value. Objects acquired under this  
4084 section belong to the state, and title to such objects is vested  
4085 in the department ~~division~~.

4086 (1) Notwithstanding s. 273.02, the department ~~division~~  
4087 shall maintain an adequate record of all objects in its custody  
4088 which have a historical or archaeological value. Once each year,  
4089 on July 1 or as soon thereafter as practicable, the department  
4090 ~~division~~ shall take a complete inventory of all such objects in  
4091 its custody the value or cost of which is \$500 or more and a  
4092 sample inventory of such objects the value or cost of which is  
4093 less than \$500. Each inventory shall be compared with the  
4094 property record, and all discrepancies shall be traced and  
4095 reconciled. Objects of historical or archaeological value are  
4096 not required to be identified by marking or other physical  
4097 alteration of the objects.

4098 (2) The department ~~division~~ may arrange for the temporary  
4099 or permanent loan of any object which has historical or

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4100 archaeological value in its custody. Such loans shall be for the  
4101 purpose of assisting historical, archaeological, or other  
4102 studies; providing objects relating to interpretive exhibits and  
4103 other educational programs which promote knowledge and  
4104 appreciation of Florida history and the programs of the  
4105 department ~~division~~; or assisting the department ~~division~~ in  
4106 carrying out its responsibility to ensure proper curation of the  
4107 objects.

4108 (3) The department ~~division~~ may determine from time to  
4109 time that an object that ~~which~~ is in its custody and that ~~which~~  
4110 is owned by the state has no further use or value for the  
4111 research, exhibit, or educational programs of the department  
4112 ~~division~~, or that such an object will receive more appropriate  
4113 maintenance and preservation by another agency, institution, or  
4114 organization, and may loan, exchange, sell, or otherwise  
4115 transfer ownership and custody of such object to another agency,  
4116 institution, or organization for the purpose of ensuring the  
4117 continued maintenance and preservation of such object, or for  
4118 the purpose of acquiring another object which better serves the  
4119 interests of the state and is more appropriate for promoting  
4120 knowledge and appreciation of Florida history and the programs  
4121 of the department ~~division~~.

4122 (4) For the purpose of the exchange, sale, or other  
4123 transfer of objects of historical or archaeological value, the  
4124 department ~~division~~ is exempt from chapter 273.

4125 (5) All moneys received from the sale of an object which  
4126 has historical or archaeological value pursuant to subsection  
4127 (3) shall be deposited in the Historical Resources Operating  
4128 Trust Fund and shall be used exclusively for the acquisition of

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4129 additional historical and archaeological objects or the  
4130 preservation and maintenance of any such objects in the custody  
4131 of the department ~~division~~.

4132 (6) The department ~~division~~ shall adopt rules pursuant to  
4133 ss. 120.536(1) and 120.54 that prescribe criteria for the  
4134 inventory and for the loan, exchange, sale, transfer, or other  
4135 disposal of state-owned objects of historical or archaeological  
4136 value.

4137 (7) Any custodian as defined in s. 273.01(1) who violates  
4138 any provision of this section or any rule adopted pursuant to  
4139 this section commits a misdemeanor of the second degree,  
4140 punishable as provided in s. 775.082 or s. 775.083.

4141 (8) Notwithstanding any provision of s. 287.022 or s.  
4142 287.025(1)(e), the department ~~division~~ may enter into contracts  
4143 to insure museum collections, artifacts, relics, and fine arts  
4144 to which it holds title.

4145 (9) The department ~~division~~ may implement a program to  
4146 administer finds of isolated historic artifacts from state-owned  
4147 river bottoms whereby the department ~~division~~ may transfer  
4148 ownership of such artifacts to the finder in exchange for  
4149 information about the artifacts and the circumstances and  
4150 location of their discovery.

4151 Section 134. Section 267.12, Florida Statutes, is amended  
4152 to read:

4153 267.12 Research permits; procedure.--

4154 (1) The Department of State ~~division~~ may issue permits for  
4155 excavation and surface reconnaissance on state lands or lands  
4156 within the boundaries of designated state archaeological  
4157 landmarks or landmark zones to institutions that ~~which~~ the

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4158 department deems ~~division shall deem~~ to be properly qualified to  
 4159 conduct such activity, subject to such rules ~~and regulations~~ as  
 4160 the department prescribes ~~division may prescribe~~, provided such  
 4161 activity is undertaken by reputable museums, universities,  
 4162 colleges, or other historical, scientific, or educational  
 4163 institutions or societies that possess or will secure the  
 4164 archaeological expertise for the performance of systematic  
 4165 archaeological field research, comprehensive analysis, and  
 4166 interpretation in the form of publishable reports and  
 4167 monographs, such reports to be submitted to the department  
 4168 ~~division~~.

4169 (2) Those state institutions considered by the department  
 4170 ~~division~~ permanently to possess the required archaeological  
 4171 expertise to conduct the archaeological activities allowed under  
 4172 the provisions of the permit may be designated as accredited  
 4173 institutions which will be allowed to conduct archaeological  
 4174 field activities on state-owned or controlled lands or within  
 4175 the boundaries of any designated state archaeological landmark  
 4176 or any landmark zone without obtaining an individual permit for  
 4177 each project, except that those accredited institutions will be  
 4178 required to give prior written notice of all anticipated  
 4179 archaeological field activities on state-owned or controlled  
 4180 lands or within the boundaries of any designated state  
 4181 archaeological landmark or landmark zone to the department  
 4182 ~~division~~, together with such information as is ~~may~~ reasonably be  
 4183 required by the department ~~division~~ to ensure the proper  
 4184 preservation, protection, and excavation of the archaeological  
 4185 resources. However, no archaeological activity may be commenced  
 4186 by the accredited institution until the department ~~division~~ has

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4187 determined that the planned project will be in conformity with  
4188 the guidelines, regulations, and criteria adopted pursuant to  
4189 ss. 267.11-267.14. Such determination will be made by the  
4190 department ~~division~~ and notification to the institution given  
4191 within a period of 15 days from the time of receipt of the prior  
4192 notification by the department ~~division~~.

4193 (3) All specimens collected under a permit issued by the  
4194 department ~~division~~ or under the procedures adopted for  
4195 accredited institutions shall belong to the state with the title  
4196 thereto vested in the department ~~division~~ for the purpose of  
4197 administration and protection. The department ~~division~~ may  
4198 arrange for the disposition of the specimens so collected by  
4199 accredited state institutions at those institutions and for the  
4200 temporary or permanent loan of such specimens at permitholding  
4201 institutions for the purpose of further scientific study,  
4202 interpretative displays, and curatorial responsibilities.

4203 Section 135. Subsections (1) and (2) of section 267.13,  
4204 Florida Statutes, are amended to read:

4205 267.13 Prohibited practices; penalties.--

4206 (1)(a) Any person who by means other than excavation  
4207 either conducts archaeological field investigations on, or  
4208 removes or attempts to remove, or defaces, destroys, or  
4209 otherwise alters any archaeological site or specimen located  
4210 upon, any land owned or controlled by the state or within the  
4211 boundaries of a designated state archaeological landmark or  
4212 landmark zone, except in the course of activities pursued under  
4213 the authority of a permit or under procedures relating to  
4214 accredited institutions granted by the department ~~division~~,  
4215 commits a misdemeanor of the first degree, punishable as

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4216 provided in s. 775.082 or s. 775.083, and, in addition, shall  
4217 forfeit to the state all specimens, objects, and materials  
4218 collected, together with all photographs and records relating to  
4219 such material.

4220 (b) Any person who by means of excavation either conducts  
4221 archaeological field investigations on, or removes or attempts  
4222 to remove, or defaces, destroys, or otherwise alters any  
4223 archaeological site or specimen located upon, any land owned or  
4224 controlled by the state or within the boundaries of a designated  
4225 state archaeological landmark or landmark zone, except in the  
4226 course of activities pursued under the authority of a permit or  
4227 under procedures relating to accredited institutions granted by  
4228 the department ~~division~~, commits a felony of the third degree,  
4229 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
4230 and any vehicle or equipment of any person used in connection  
4231 with the violation is subject to forfeiture to the state if it  
4232 is determined by any court of law that the vehicle or equipment  
4233 was involved in the violation. Such person shall forfeit to the  
4234 state all specimens, objects, and materials collected or  
4235 excavated, together with all photographs and records relating to  
4236 such material. The court may also order the defendant to make  
4237 restitution to the state for the archaeological or commercial  
4238 value and cost of restoration and repair as defined in  
4239 subsection (4).

4240 (c) Any person who offers for sale or exchange any object  
4241 with knowledge that it has previously been collected or  
4242 excavated in violation of any of the terms of ss. 267.11-267.14,  
4243 or who procures, counsels, solicits, or employs any other person  
4244 to violate any prohibition contained in ss. 267.11-267.14 or to

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4245 sell, purchase, exchange, transport, receive, or offer to sell,  
4246 purchase, or exchange any archaeological resource excavated or  
4247 removed from any land owned or controlled by the state or within  
4248 the boundaries of a designated state archaeological landmark or  
4249 landmark zone, except with the express consent of the department  
4250 ~~division~~, commits a felony of the third degree, punishable as  
4251 provided in s. 775.082, s. 775.083, or s. 775.084, and any  
4252 vehicle or equipment of any person used in connection with the  
4253 violation is subject to forfeiture to the state if it is  
4254 determined by any court of law that such vehicle or equipment  
4255 was involved in the violation. All specimens, objects, and  
4256 material collected or excavated, together with all photographs  
4257 and records relating to such material, shall be forfeited to the  
4258 state. The court may also order the defendant to make  
4259 restitution to the state for the archaeological or commercial  
4260 value and cost of restoration and repair as defined in  
4261 subsection (4).

4262 (2)(a) The department ~~division~~ may institute an  
4263 administrative proceeding to impose an administrative fine of  
4264 not more than \$500 a day on any person or business organization  
4265 that, without written permission of the department ~~division~~,  
4266 explores for, salvages, or excavates treasure trove, artifacts,  
4267 sunken or abandoned ships, or other objects having historical or  
4268 archaeological value located on state-owned or state-controlled  
4269 lands, including state sovereignty submerged lands.

4270 (b) The department ~~division~~ shall institute an  
4271 administrative proceeding by serving written notice of a  
4272 violation by certified mail upon the alleged violator. The  
4273 notice shall specify the law or rule allegedly violated and the

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4274 facts upon which the allegation is based. The notice shall also  
 4275 specify the amount of the administrative fine sought by the  
 4276 department ~~division~~. The fine shall not become due until after  
 4277 service of notice and an administrative hearing. However, the  
 4278 alleged violator shall have 20 days from service of notice to  
 4279 request an administrative hearing. Failure to respond within  
 4280 that time shall constitute a waiver, and the fine shall become  
 4281 due without a hearing.

4282 (c) The department ~~division~~ may enter its judgment for the  
 4283 amount of the administrative penalty imposed in a court of  
 4284 competent jurisdiction, pursuant to s. 120.69. The judgment may  
 4285 be enforced as any other judgment.

4286 (d) The department ~~division~~ may apply to a court of  
 4287 competent jurisdiction for injunctive relief against any person  
 4288 or business organization that explores for, salvages, or  
 4289 excavates treasure trove, artifacts, sunken or abandoned ships,  
 4290 or other objects having historical or archaeological value  
 4291 located on state-owned or state-controlled land, including state  
 4292 sovereignty submerged land, without the written permission of  
 4293 the department ~~division~~.

4294 Section 136. Section 267.135, Florida Statutes, is amended  
 4295 to read:

4296 267.135 Location of archaeological sites.--Any information  
 4297 identifying the location of archaeological sites contained in  
 4298 site files or other records maintained by the ~~Division of~~  
 4299 ~~Historical Resources of the~~ Department of State is exempt from  
 4300 the provisions of s. 119.07(1) and s. 24(a) of Art. I of the  
 4301 State Constitution, if the department ~~Division of Historical~~  
 4302 ~~Resources~~ finds that disclosure of such information will create

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4303 a substantial risk of harm, theft, or destruction at such sites.  
 4304 This section is subject to the Open Government Sunset Review Act  
 4305 in accordance with s. 119.15 and expires on October 2, 2006,  
 4306 unless reviewed and reenacted by the Legislature.

4307 Section 137. Section 267.14, Florida Statutes, is amended  
 4308 to read:

4309 267.14 Legislative intent.--It is hereby declared to be  
 4310 the public policy of the state to preserve archaeological sites  
 4311 and objects of antiquity for the public benefit and to limit  
 4312 exploration, excavation, and collection of such matters to  
 4313 qualified persons and educational institutions possessing the  
 4314 requisite skills and purpose to add to the general store of  
 4315 knowledge concerning history, archaeology, and anthropology. It  
 4316 is further declared to be the public policy of the state that  
 4317 field investigation activities on privately owned lands should  
 4318 be discouraged except in accordance with both the provisions and  
 4319 spirit of ss. 267.11-267.14; and persons having knowledge of the  
 4320 location of archaeological sites are encouraged to communicate  
 4321 such information to the department ~~division~~.

4322 Section 138. Section 267.16, Florida Statutes, is amended  
 4323 to read:

4324 267.16 Florida Folklife Programs.--It is the duty and  
 4325 responsibility of the Department of State ~~division~~ to:

4326 (1) Identify, research, interpret, and present Florida  
 4327 folk arts, artists, performers, folklore, traditions, customs,  
 4328 and cultural heritage and make folk cultural resources and  
 4329 folklife projects available throughout the state. The department  
 4330 ~~division~~ shall compile, edit, publish, and print directories,  
 4331 books, articles, pamphlets, and other folklife materials to

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4332 disseminate information about folk cultural resources. The  
 4333 department ~~division~~ may sponsor conferences, workshops,  
 4334 festivals, lectures, and exhibitions on Florida folklife and  
 4335 promote the folk cultural resources of the state.

4336 (2) Adopt rules necessary to carry out its duties and  
 4337 responsibilities with respect to such programs; enter into  
 4338 contracts and agreements with other agencies, organizations,  
 4339 associations, corporations, individuals, or federal agencies  
 4340 necessary to carry out its duties; and seek and accept gifts,  
 4341 grants, bequests, loans, and endowments for purposes consistent  
 4342 with its responsibilities.

4343 ~~(3) Use the facilities at the Stephen Foster State Folk  
 4344 Culture Center as the primary location of the annual Florida  
 4345 Folk Festival.~~

4346 (3)~~(4)~~ Adopt rules by which it may advance or reimburse  
 4347 travel and per diem expenses, in the amount and manner provided  
 4348 in s. 112.061, to folklife informants and participants in the  
 4349 Florida Folklife Programs.

4350 (4)~~(5)~~ Employ a state folklorist, and such other  
 4351 folklorists as deemed necessary, who shall possess such  
 4352 qualifications as the department prescribes ~~division may~~  
 4353 ~~prescribe~~. The state folklorist shall serve at the pleasure of  
 4354 the Secretary of State ~~division director~~ and shall have his or  
 4355 her duties prescribed by the Secretary of State ~~division~~  
 4356 ~~director~~.

4357 Section 139. Section 267.161, Florida Statutes, is amended  
 4358 to read:

4359 267.161 Florida Folklife Council.--

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4360 (1)(a) The Florida Folklife Council is created as a part  
4361 of the Department of State, to consist of seven members  
4362 appointed by the Secretary of State. The Secretary of State  
4363 shall appoint each member for a 4-year term and shall appoint a  
4364 successor for each member within 90 days after the expiration of  
4365 the member's term. The Secretary of State shall fill any vacancy  
4366 for the remainder of the unexpired term within 90 days after the  
4367 vacancy occurs. Members shall be appointed to provide  
4368 geographical, ethnic, and professional representation on the  
4369 council.

4370 (b) The council shall meet at the call of its chair, at  
4371 the request of a majority of its membership, at the request of  
4372 the department ~~division~~, or at such times as may be prescribed  
4373 by its rules. The council shall annually elect from its  
4374 membership a chair and vice chair. No member may be elected to  
4375 consecutive terms as chair.

4376 (c) Members of the council shall serve without  
4377 compensation or honorarium, but shall be entitled to receive  
4378 reimbursement for per diem and travel expenses incurred in the  
4379 performance of their duties as provided in s. 112.061.

4380 (d) All actions taken by the council must be by majority  
4381 vote of those present. The Secretary of State may designate the  
4382 state folklorist or any other ~~division director or the~~  
4383 ~~director's~~ designee to ~~shall~~ serve without voting rights as  
4384 secretary of the council. The department ~~division~~ must provide  
4385 necessary staff assistance to the council.

4386 (2) The council shall:

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4387 (a) Advise and assist the department ~~division~~ and the  
4388 state folklorist with respect to folk arts, folklife, and the  
4389 following goals of the Florida Folklife Programs:

4390 1. The stimulation and encouragement of statewide public  
4391 interest and participation in folk arts and folklore; and

4392 2. The development and promotion of Florida folk artists,  
4393 performers, festivals, folklife projects, and folk resources.

4394 (b) Recommend to the department ~~division~~ and the state  
4395 folklorist projects for the identification, collection, and  
4396 preservation of Florida folklore, folk arts, traditions,  
4397 cultural heritage, skills, and customs and make these resources  
4398 available throughout the state.

4399 (c) Assist the state folklorist in developing proposals  
4400 and grant applications to fund projects of the Florida Folklife  
4401 Programs.

4402 Section 140. Subsections (1) and (2) of section 267.17,  
4403 Florida Statutes, are amended to read:

4404 267.17 Citizen support organizations; use of state  
4405 administrative services and property; audit.--

4406 (1) CITIZEN SUPPORT ORGANIZATIONS.--The Department of  
4407 State ~~division~~ may support the establishment of citizen support  
4408 organizations to provide assistance, funding, and promotional  
4409 support for the archaeology, museum, folklife, and historic  
4410 preservation programs of the department ~~division~~. For the  
4411 purposes of this section, a "citizen support organization" shall  
4412 mean an organization that ~~which~~ is:

4413 (a) A Florida corporation not for profit incorporated  
4414 under the provisions of chapter 617 and approved by the  
4415 Department of State;

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4416 (b) Organized and operated to conduct programs and  
4417 activities; raise funds; request and receive grants, gifts, and  
4418 bequests of money; acquire, receive, hold, invest, and  
4419 administer, in its own name, securities, funds, objects of  
4420 value, or other property, real or personal; and make  
4421 expenditures to or for the direct or indirect benefit of the  
4422 department ~~division~~ or individual program units of the  
4423 department ~~division~~;

4424 (c) Determined by the department ~~division~~ to be consistent  
4425 with the goals of the department ~~division~~ and in the best  
4426 interests of the state; and

4427 (d) Approved in writing by the department ~~division~~ to  
4428 operate for the direct or indirect benefit of the department  
4429 ~~division~~; such approval shall be given in a letter of agreement  
4430 from the department ~~division~~.

4431 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

4432 (a) The department ~~division~~ may fix and collect charges  
4433 for the rental of facilities and properties managed by the  
4434 department ~~division~~ and may permit, without charge, appropriate  
4435 use of administrative services, property, and facilities of the  
4436 department ~~division~~ by a citizen support organization, subject  
4437 to the provisions of this section. Such use must be directly in  
4438 keeping with the approved purposes of the citizen support  
4439 organization and may not be made at times or places that would  
4440 unreasonably interfere with opportunities for the general public  
4441 to use such facilities for established purposes. Any moneys  
4442 received from rentals of facilities and properties managed by  
4443 the department ~~division~~ may be held in the operating trust fund  
4444 of the department ~~division~~ or in a separate depository account

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4445 in the name of the citizen support organization and subject to  
 4446 the provisions of the letter of agreement with the department  
 4447 ~~division~~.

4448 (b) The department ~~division~~ may prescribe by rule any  
 4449 condition with which a citizen support organization shall comply  
 4450 in order to use department ~~division~~ administrative services,  
 4451 property, or facilities.

4452 (c) The department ~~division~~ shall not permit the use of  
 4453 any administrative services, property, or facilities of the  
 4454 state by a citizen support organization that ~~which~~ does not  
 4455 provide equal membership and employment opportunities to all  
 4456 persons regardless of race, color, religion, sex, age, or  
 4457 national origin.

4458 Section 141. Subsection (5) of section 267.173, Florida  
 4459 Statutes, is amended to read:

4460 267.173 Historic preservation in West Florida; goals;  
 4461 contracts for historic preservation; powers and duties.--

4462 (5) The ~~Division of Historical Resources in the~~ Department  
 4463 of State may contract with the University of West Florida to  
 4464 serve as the regional office for the West Florida region of the  
 4465 state from the Apalachicola River to the western boundaries of  
 4466 the state. In lieu of the establishment of a citizen support  
 4467 organization as required by s. 267.031(5)(m), the University of  
 4468 West Florida may use an existing direct-support organization of  
 4469 the university provided that the membership of the direct-  
 4470 support organization is representative of the area of the state  
 4471 to be served and provides the needed expertise in the area of  
 4472 historic preservation.

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4473 Section 142. Subsection (1), paragraph (a) of subsection  
4474 (2), and subsection (4) of section 286.001, Florida Statutes,  
4475 are amended to read:

4476 286.001 Reports statutorily required; filing, maintenance,  
4477 retrieval, and provision of copies.--

4478 (1) Unless otherwise specifically provided by law, any  
4479 agency or officer of the executive, legislative, or judicial  
4480 branches of state government, the State Board of Community  
4481 Colleges, the Board of Regents, or the Public Service Commission  
4482 required or authorized by law to make reports regularly or  
4483 periodically shall fulfill such requirement by filing an  
4484 abstract of the report with the statutorily or administratively  
4485 designated recipients of the report and an abstract and one copy  
4486 of the report with the State Library, Archives, and Records  
4487 Services Office ~~Division of Library and Information Services~~ of  
4488 the Department of State, unless the head of the reporting entity  
4489 makes a determination that the additional cost of providing the  
4490 entire report to the statutorily or administratively designated  
4491 recipients is justified. A one-page summary justifying the  
4492 determination shall be submitted to the chairs of the  
4493 governmental operations committees of both houses of the  
4494 Legislature. The abstract of the contents of such report shall  
4495 be no more than one-half page in length. The actual report  
4496 shall be retained by the reporting agency or officer, and copies  
4497 of the report shall be provided to interested parties and the  
4498 statutorily or administratively designated recipients of the  
4499 report upon request.

4500 (2) With respect to reports statutorily required of  
4501 agencies or officers within the executive, legislative, or

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4502 judicial branches of state government, the State Board of  
 4503 Community Colleges, the Board of Regents, or the Public Service  
 4504 Commission, it is the duty of the office ~~division~~, in addition  
 4505 to its duties under s. 257.05, to:

4506 (a) Regularly compile and update bibliographic information  
 4507 on such reports for distribution as provided in paragraph (b).  
 4508 Such bibliographic information may be included in the  
 4509 bibliographies prepared by the Department of State ~~division~~  
 4510 pursuant to s. 257.05(3)(c).

4511 (4) Nothing in this section shall be construed to waive or  
 4512 modify the requirement in s. 257.05(2) pertaining to the  
 4513 provision of copies of public documents to the Department of  
 4514 State ~~division~~.

4515 Section 143. Paragraphs (b) and (e) of subsection (19) of  
 4516 section 380.06, Florida Statutes, are amended to read:

4517 380.06 Developments of regional impact.--

4518 (19) SUBSTANTIAL DEVIATIONS.--

4519 (b) Any proposed change to a previously approved  
 4520 development of regional impact or development order condition  
 4521 which, either individually or cumulatively with other changes,  
 4522 exceeds any of the following criteria shall constitute a  
 4523 substantial deviation and shall cause the development to be  
 4524 subject to further development-of-regional-impact review without  
 4525 the necessity for a finding of same by the local government:

4526 1. An increase in the number of parking spaces at an  
 4527 attraction or recreational facility by 5 percent or 300 spaces,  
 4528 whichever is greater, or an increase in the number of spectators  
 4529 that may be accommodated at such a facility by 5 percent or  
 4530 1,000 spectators, whichever is greater.

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4531           2. A new runway, a new terminal facility, a 25-percent  
4532 lengthening of an existing runway, or a 25-percent increase in  
4533 the number of gates of an existing terminal, but only if the  
4534 increase adds at least three additional gates. However, if an  
4535 airport is located in two counties, a 10-percent lengthening of  
4536 an existing runway or a 20-percent increase in the number of  
4537 gates of an existing terminal is the applicable criteria.

4538           3. An increase in the number of hospital beds by 5 percent  
4539 or 60 beds, whichever is greater.

4540           4. An increase in industrial development area by 5 percent  
4541 or 32 acres, whichever is greater.

4542           5. An increase in the average annual acreage mined by 5  
4543 percent or 10 acres, whichever is greater, or an increase in the  
4544 average daily water consumption by a mining operation by 5  
4545 percent or 300,000 gallons, whichever is greater. An increase  
4546 in the size of the mine by 5 percent or 750 acres, whichever is  
4547 less.

4548           6. An increase in land area for office development by 5  
4549 percent or an increase of gross floor area of office development  
4550 by 5 percent or 60,000 gross square feet, whichever is greater.

4551           7. An increase in the storage capacity for chemical or  
4552 petroleum storage facilities by 5 percent, 20,000 barrels, or 7  
4553 million pounds, whichever is greater.

4554           8. An increase of development at a waterport of wet  
4555 storage for 20 watercraft, dry storage for 30 watercraft, or  
4556 wet/dry storage for 60 watercraft in an area identified in the  
4557 state marina siting plan as an appropriate site for additional  
4558 waterport development or a 5-percent increase in watercraft  
4559 storage capacity, whichever is greater.

- 4560           9. An increase in the number of dwelling units by 5  
 4561 percent or 50 dwelling units, whichever is greater.
- 4562           10. An increase in commercial development by 50,000 square  
 4563 feet of gross floor area or of parking spaces provided for  
 4564 customers for 300 cars or a 5-percent increase of either of  
 4565 these, whichever is greater.
- 4566           11. An increase in hotel or motel facility units by 5  
 4567 percent or 75 units, whichever is greater.
- 4568           12. An increase in a recreational vehicle park area by 5  
 4569 percent or 100 vehicle spaces, whichever is less.
- 4570           13. A decrease in the area set aside for open space of 5  
 4571 percent or 20 acres, whichever is less.
- 4572           14. A proposed increase to an approved multiuse  
 4573 development of regional impact where the sum of the increases of  
 4574 each land use as a percentage of the applicable substantial  
 4575 deviation criteria is equal to or exceeds 100 percent. The  
 4576 percentage of any decrease in the amount of open space shall be  
 4577 treated as an increase for purposes of determining when 100  
 4578 percent has been reached or exceeded.
- 4579           15. A 15-percent increase in the number of external  
 4580 vehicle trips generated by the development above that which was  
 4581 projected during the original development-of-regional-impact  
 4582 review.
- 4583           16. Any change which would result in development of any  
 4584 area which was specifically set aside in the application for  
 4585 development approval or in the development order for  
 4586 preservation or special protection of endangered or threatened  
 4587 plants or animals designated as endangered, threatened, or  
 4588 species of special concern and their habitat, primary dunes, or

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4589 archaeological and historical sites designated as significant by  
4590 the ~~Division of Historical Resources of the~~ Department of State.  
4591 The further refinement of such areas by survey shall be  
4592 considered under sub-subparagraph (e)5.b.

4593  
4594 The substantial deviation numerical standards in subparagraphs  
4595 4., 6., 10., 14., excluding residential uses, and 15., are  
4596 increased by 100 percent for a project certified under s.  
4597 403.973 which creates jobs and meets criteria established by the  
4598 Office of Tourism, Trade, and Economic Development as to its  
4599 impact on an area's economy, employment, and prevailing wage and  
4600 skill levels. The substantial deviation numerical standards in  
4601 subparagraphs 4., 6., 9., 10., 11., and 14. are increased by 50  
4602 percent for a project located wholly within an urban infill and  
4603 redevelopment area designated on the applicable adopted local  
4604 comprehensive plan future land use map and not located within  
4605 the coastal high hazard area.

4606 (e)1. Except for a development order rendered pursuant to  
4607 subsection (22) or subsection (25), a proposed change to a  
4608 development order that individually or cumulatively with any  
4609 previous change is less than any numerical criterion contained  
4610 in subparagraphs (b)1.-15. and does not exceed any other  
4611 criterion, or that involves an extension of the buildout date of  
4612 a development, or any phase thereof, of less than 5 years is not  
4613 subject to the public hearing requirements of subparagraph  
4614 (f)3., and is not subject to a determination pursuant to  
4615 subparagraph (f)5. Notice of the proposed change shall be made  
4616 to the regional planning council and the state land planning  
4617 agency. Such notice shall include a description of previous

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4618 individual changes made to the development, including changes  
4619 previously approved by the local government, and shall include  
4620 appropriate amendments to the development order.

4621 2. The following changes, individually or cumulatively  
4622 with any previous changes, are not substantial deviations:

4623 a. Changes in the name of the project, developer, owner,  
4624 or monitoring official.

4625 b. Changes to a setback that do not affect noise buffers,  
4626 environmental protection or mitigation areas, or archaeological  
4627 or historical resources.

4628 c. Changes to minimum lot sizes.

4629 d. Changes in the configuration of internal roads that do  
4630 not affect external access points.

4631 e. Changes to the building design or orientation that stay  
4632 approximately within the approved area designated for such  
4633 building and parking lot, and which do not affect historical  
4634 buildings designated as significant by the ~~Division of~~  
4635 ~~Historical Resources of the~~ Department of State.

4636 f. Changes to increase the acreage in the development,  
4637 provided that no development is proposed on the acreage to be  
4638 added.

4639 g. Changes to eliminate an approved land use, provided  
4640 that there are no additional regional impacts.

4641 h. Changes required to conform to permits approved by any  
4642 federal, state, or regional permitting agency, provided that  
4643 these changes do not create additional regional impacts.

4644 i. Any renovation or redevelopment of development within a  
4645 previously approved development of regional impact which does  
4646 not change land use or increase density or intensity of use.

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4647           j. Any other change which the state land planning agency  
4648 agrees in writing is similar in nature, impact, or character to  
4649 the changes enumerated in sub-subparagraphs a.-i. and which does  
4650 not create the likelihood of any additional regional impact.

4651  
4652 This subsection does not require a development order amendment  
4653 for any change listed in sub-subparagraphs a.-j. unless such  
4654 issue is addressed either in the existing development order or  
4655 in the application for development approval, but, in the case of  
4656 the application, only if, and in the manner in which, the  
4657 application is incorporated in the development order.

4658           3. Except for the change authorized by sub-subparagraph  
4659 2.f., any addition of land not previously reviewed or any change  
4660 not specified in paragraph (b) or paragraph (c) shall be  
4661 presumed to create a substantial deviation. This presumption  
4662 may be rebutted by clear and convincing evidence.

4663           4. Any submittal of a proposed change to a previously  
4664 approved development shall include a description of individual  
4665 changes previously made to the development, including changes  
4666 previously approved by the local government. The local  
4667 government shall consider the previous and current proposed  
4668 changes in deciding whether such changes cumulatively constitute  
4669 a substantial deviation requiring further development-of-  
4670 regional-impact review.

4671           5. The following changes to an approved development of  
4672 regional impact shall be presumed to create a substantial  
4673 deviation. Such presumption may be rebutted by clear and  
4674 convincing evidence.

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4675 a. A change proposed for 15 percent or more of the acreage  
 4676 to a land use not previously approved in the development order.  
 4677 Changes of less than 15 percent shall be presumed not to create  
 4678 a substantial deviation.

4679 b. Except for the types of uses listed in subparagraph  
 4680 (b)16., any change which would result in the development of any  
 4681 area which was specifically set aside in the application for  
 4682 development approval or in the development order for  
 4683 preservation, buffers, or special protection, including habitat  
 4684 for plant and animal species, archaeological and historical  
 4685 sites, dunes, and other special areas.

4686 c. Notwithstanding any provision of paragraph (b) to the  
 4687 contrary, a proposed change consisting of simultaneous increases  
 4688 and decreases of at least two of the uses within an authorized  
 4689 multiuse development of regional impact which was originally  
 4690 approved with three or more uses specified in s. 380.0651(3)(c),  
 4691 (d), (f), and (g) and residential use.

4692 Section 144. Paragraph (a) of subsection (3) and paragraph  
 4693 (a) of subsection (6) of section 380.061, Florida Statutes, are  
 4694 amended to read:

4695 380.061 The Florida Quality Developments program.--

4696 (3)(a) To be eligible for designation under this program,  
 4697 the developer shall comply with each of the following  
 4698 requirements which is applicable to the site of a qualified  
 4699 development:

4700 1. Have donated or entered into a binding commitment to  
 4701 donate the fee or a lesser interest sufficient to protect, in  
 4702 perpetuity, the natural attributes of the types of land listed  
 4703 below. In lieu of the above requirement, the developer may enter

4704 into a binding commitment which runs with the land to set aside  
 4705 such areas on the property, in perpetuity, as open space to be  
 4706 retained in a natural condition or as otherwise permitted under  
 4707 this subparagraph. Under the requirements of this subparagraph,  
 4708 the developer may reserve the right to use such areas for the  
 4709 purpose of passive recreation that is consistent with the  
 4710 purposes for which the land was preserved.

4711 a. Those wetlands and water bodies throughout the state as  
 4712 would be delineated if the provisions of s. 373.4145(1)(b) were  
 4713 applied. The developer may use such areas for the purpose of  
 4714 site access, provided other routes of access are unavailable or  
 4715 impracticable; may use such areas for the purpose of stormwater  
 4716 or domestic sewage management and other necessary utilities to  
 4717 the extent that such uses are permitted pursuant to chapter 403;  
 4718 or may redesign or alter wetlands and water bodies within the  
 4719 jurisdiction of the Department of Environmental Protection which  
 4720 have been artificially created, if the redesign or alteration is  
 4721 done so as to produce a more naturally functioning system.

4722 b. Active beach or primary and, where appropriate,  
 4723 secondary dunes, to maintain the integrity of the dune system  
 4724 and adequate public accessways to the beach. However, the  
 4725 developer may retain the right to construct and maintain  
 4726 elevated walkways over the dunes to provide access to the beach.

4727 c. Known archaeological sites determined to be of  
 4728 significance by the ~~Division of Historical Resources of the~~  
 4729 Department of State.

4730 d. Areas known to be important to animal species  
 4731 designated as endangered or threatened animal species by the  
 4732 United States Fish and Wildlife Service or by the Fish and

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4733 Wildlife Conservation Commission, for reproduction, feeding, or  
 4734 nesting; for traveling between such areas used for reproduction,  
 4735 feeding, or nesting; or for escape from predation.

4736 e. Areas known to contain plant species designated as  
 4737 endangered plant species by the Department of Agriculture and  
 4738 Consumer Services.

4739 2. Produce, or dispose of, no substances designated as  
 4740 hazardous or toxic substances by the United States Environmental  
 4741 Protection Agency or by the Department of Environmental  
 4742 Protection or the Department of Agriculture and Consumer  
 4743 Services. This subparagraph is not intended to apply to the  
 4744 production of these substances in nonsignificant amounts as  
 4745 would occur through household use or incidental use by  
 4746 businesses.

4747 3. Participate in a downtown reuse or redevelopment  
 4748 program to improve and rehabilitate a declining downtown area.

4749 4. Incorporate no dredge and fill activities in, and no  
 4750 stormwater discharge into, waters designated as Class II,  
 4751 aquatic preserves, or Outstanding Florida Waters, except as  
 4752 activities in those waters are permitted pursuant to s.  
 4753 403.813(2) and the developer demonstrates that those activities  
 4754 meet the standards under Class II waters, Outstanding Florida  
 4755 Waters, or aquatic preserves, as applicable.

4756 5. Include open space, recreation areas, Xeriscape as  
 4757 defined in s. 373.185, and energy conservation and minimize  
 4758 impermeable surfaces as appropriate to the location and type of  
 4759 project.

4760 6. Provide for construction and maintenance of all onsite  
 4761 infrastructure necessary to support the project and enter into a

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4762 binding commitment with local government to provide an  
4763 appropriate fair-share contribution toward the offsite impacts  
4764 which the development will impose on publicly funded facilities  
4765 and services, except offsite transportation, and condition or  
4766 phase the commencement of development to ensure that public  
4767 facilities and services, except offsite transportation, will be  
4768 available concurrent with the impacts of the development. For  
4769 the purposes of offsite transportation impacts, the developer  
4770 shall comply, at a minimum, with the standards of the state land  
4771 planning agency's development-of-regional-impact transportation  
4772 rule, the approved strategic regional policy plan, any  
4773 applicable regional planning council transportation rule, and  
4774 the approved local government comprehensive plan and land  
4775 development regulations adopted pursuant to part II of chapter  
4776 163.

4777 7. Design and construct the development in a manner that  
4778 is consistent with the adopted state plan, the applicable  
4779 strategic regional policy plan, and the applicable adopted local  
4780 government comprehensive plan.

4781 (6)(a) In the event that the development is not designated  
4782 under subsection (5), the developer may appeal that  
4783 determination to the Quality Developments Review Board. The  
4784 board shall consist of the secretary of the state land planning  
4785 agency, the Secretary of Environmental Protection and a member  
4786 designated by the secretary, the Secretary of Transportation,  
4787 the executive director of the Fish and Wildlife Conservation  
4788 Commission, the executive director of the appropriate water  
4789 management district created pursuant to chapter 373, and the  
4790 chief executive officer of the appropriate local government.

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4791 When there is a significant historical or archaeological site  
4792 within the boundaries of a development which is appealed to the  
4793 board, the Secretary ~~director of the Division of Historical~~  
4794 ~~Resources of the Department~~ of State shall also sit on the  
4795 board. The staff of the state land planning agency shall serve  
4796 as staff to the board.

4797 Section 145. Section 380.285, Florida Statutes, is amended  
4798 to read:

4799 380.285 Lighthouses; study; preservation; funding.--The  
4800 Department of Community Affairs and the ~~Division of Historical~~  
4801 ~~Resources of the~~ Department of State shall undertake a study of  
4802 the lighthouses in the state. The study must determine the  
4803 location, ownership, condition, and historical significance of  
4804 all lighthouses in the state and ensure that all historically  
4805 significant lighthouses are nominated for inclusion on the  
4806 National Register of Historic Places. The study must assess the  
4807 condition and restoration needs of historic lighthouses and  
4808 develop plans for appropriate future public access and use. The  
4809 Department of State ~~Division of Historical Resources~~ shall take  
4810 a leadership role in implementing plans to stabilize lighthouses  
4811 and associated structures and to preserve and protect them from  
4812 future deterioration. When possible, the lighthouses and  
4813 associated buildings should be made available to the public for  
4814 educational and recreational purposes. The Department of State  
4815 shall request in its annual legislative budget requests funding  
4816 necessary to carry out the duties and responsibilities specified  
4817 in this act. Funds for the rehabilitation of lighthouses should  
4818 be allocated through matching grants-in-aid to state and local  
4819 government agencies and to nonprofit organizations. The

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4820 Department of Environmental Protection may assist the Department  
 4821 of State Division of Historical Resources in projects to  
 4822 accomplish the goals and activities described in this section.

4823 Section 146. Paragraph (a) of subsection (2) of section  
 4824 403.941, Florida Statutes, is amended to read:

4825 403.941 Preliminary statements of issues, reports, and  
 4826 studies.--

4827 (2)(a) The affected agencies shall prepare reports as  
 4828 provided in this paragraph and shall submit them to the  
 4829 department and the applicant within 60 days after the  
 4830 application is determined sufficient:

4831 1. The department shall prepare a report as to the impact  
 4832 of each proposed natural gas transmission pipeline or corridor  
 4833 as it relates to matters within its jurisdiction.

4834 2. Each water management district in the jurisdiction of  
 4835 which a proposed natural gas transmission pipeline or corridor  
 4836 is to be located shall prepare a report as to the impact on  
 4837 water resources and other matters within its jurisdiction.

4838 3. The Department of Community Affairs shall prepare a  
 4839 report containing recommendations which address the impact upon  
 4840 the public of the proposed natural gas transmission pipeline or  
 4841 corridor, based on the degree to which the proposed natural gas  
 4842 transmission pipeline or corridor is consistent with the  
 4843 applicable portions of the state comprehensive plan and other  
 4844 matters within its jurisdiction. The Department of Community  
 4845 Affairs may also comment on the consistency of the proposed  
 4846 natural gas transmission pipeline or corridor with applicable  
 4847 strategic regional policy plans or local comprehensive plans and  
 4848 land development regulations.

4849           4. The Fish and Wildlife Conservation Commission shall  
4850 prepare a report as to the impact of each proposed natural gas  
4851 transmission pipeline or corridor on fish and wildlife resources  
4852 and other matters within its jurisdiction.

4853           5. Each local government in which the natural gas  
4854 transmission pipeline or natural gas transmission pipeline  
4855 corridor will be located shall prepare a report as to the impact  
4856 of each proposed natural gas transmission pipeline or corridor  
4857 on matters within its jurisdiction, including the consistency of  
4858 the proposed natural gas transmission pipeline or corridor with  
4859 all applicable local ordinances, regulations, standards, or  
4860 criteria that apply to the proposed natural gas transmission  
4861 pipeline or corridor, including local comprehensive plans,  
4862 zoning regulations, land development regulations, and any  
4863 applicable local environmental regulations adopted pursuant to  
4864 s. 403.182 or by other means. No change by the responsible local  
4865 government or local agency in local comprehensive plans, zoning  
4866 ordinances, or other regulations made after the date required  
4867 for the filing of the local government's report required by this  
4868 section shall be applicable to the certification of the proposed  
4869 natural gas transmission pipeline or corridor unless the  
4870 certification is denied or the application is withdrawn.

4871           6. Each regional planning council in which the natural gas  
4872 transmission pipeline or natural gas transmission pipeline  
4873 corridor will be located shall present a report containing  
4874 recommendations that address the impact upon the public of the  
4875 proposed natural gas transmission pipeline or corridor, based on  
4876 the degree to which the natural gas transmission pipeline or  
4877 corridor is consistent with the applicable provisions of the

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4878 strategic regional policy plan adopted pursuant to chapter 186  
 4879 and other impacts of each proposed natural gas transmission  
 4880 pipeline or corridor on matters within its jurisdiction.

4881 7. The Department of Transportation shall prepare a report  
 4882 on the effect of the natural gas transmission pipeline or  
 4883 natural gas transmission pipeline corridor on matters within its  
 4884 jurisdiction, including roadway crossings by the pipeline. The  
 4885 report shall contain at a minimum:

4886 a. A report by the applicant to the department stating  
 4887 that all requirements of the department's utilities  
 4888 accommodation guide have been or will be met in regard to the  
 4889 proposed pipeline or pipeline corridor; and

4890 b. A statement by the department as to the adequacy of the  
 4891 report to the department by the applicant.

4892 8. The Department of State, ~~Division of Historical~~  
 4893 ~~Resources~~, shall prepare a report on the impact of the natural  
 4894 gas transmission pipeline or natural gas transmission pipeline  
 4895 corridor on matters within its jurisdiction over historical  
 4896 resources.

4897 9. The commission shall prepare a report addressing  
 4898 matters within its jurisdiction. The commission's report shall  
 4899 include its determination of need issued pursuant to s.  
 4900 403.9422.

4901 Section 147. Paragraph (a) of subsection (4) of section  
 4902 403.9411, Florida Statutes, is amended to read:

4903 403.9411 Notice; proceedings; parties and participants.--

4904 (4)(a) Parties to the proceeding shall be:

- 4905 1. The applicant.
- 4906 2. The department.

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- 4907 3. The commission.
- 4908 4. The Department of Community Affairs.
- 4909 5. The Fish and Wildlife Conservation Commission.
- 4910 6. Each water management district in the jurisdiction of
- 4911 which the proposed natural gas transmission pipeline or corridor
- 4912 is to be located.
- 4913 7. The local government.
- 4914 8. The regional planning council.
- 4915 9. The Department of Transportation.
- 4916 10. The Department of State, ~~Division of Historical~~
- 4917 ~~Resources.~~

4918 Section 148. Paragraph (h) of subsection (1) of section  
 4919 413.011, Florida Statutes, is amended to read:

4920 413.011 Division of Blind Services, internal  
 4921 organizational structure; Advisory Council for the Blind.--

4922 (1) The internal organizational structure of the Division  
 4923 of Blind Services shall be designed for the purpose of ensuring  
 4924 the greatest possible efficiency and effectiveness of services  
 4925 to the blind and to be consistent with chapter 20. The Division  
 4926 of Blind Services shall plan, supervise, and carry out the  
 4927 following activities:

4928 (h) Cooperate with other agencies, public or private,  
 4929 especially the Division of the Blind and Physically Handicapped  
 4930 of the Library of Congress and the State Library, Archives, and  
 4931 Records Services Office ~~Division of Library and Information~~  
 4932 Services of the Department of State, to provide library service  
 4933 to the blind and other handicapped persons as defined in federal  
 4934 law and regulations in carrying out any or all of the provisions  
 4935 of this law.

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4936 Section 149. Subsection (9) of section 440.02, Florida  
 4937 Statutes, and paragraph (b) of subsection (15), as amended by  
 4938 section 2 of chapter 2003-412, Laws of Florida, are amended to  
 4939 read:

4940 440.02 Definitions.--When used in this chapter, unless the  
 4941 context clearly requires otherwise, the following terms shall  
 4942 have the following meanings:

4943 (9) "Corporate officer" or "officer of a corporation"  
 4944 means any person who fills an office provided for in the  
 4945 corporate charter or articles of incorporation filed with the  
 4946 State Recording Office ~~Division of Corporations~~ of the  
 4947 Department of State or as permitted or required by chapter 607.  
 4948 As to persons engaged in the construction industry, the term  
 4949 "officer of a corporation" includes a member owning at least 10  
 4950 percent of a limited liability company created and approved  
 4951 under chapter 608.

4952 (15)

4953 (b) "Employee" includes any person who is an officer of a  
 4954 corporation and who performs services for remuneration for such  
 4955 corporation within this state, whether or not such services are  
 4956 continuous.

4957 1. Any officer of a corporation may elect to be exempt  
 4958 from this chapter by filing written notice of the election with  
 4959 the department as provided in s. 440.05.

4960 2. As to officers of a corporation who are engaged in the  
 4961 construction industry, no more than three officers of a  
 4962 corporation or of any group of affiliated corporations may elect  
 4963 to be exempt from this chapter by filing written notice of the  
 4964 election with the department as provided in s. 440.05. Officers

4965 must be shareholders, each owning at least 10 percent of the  
 4966 stock of such corporation and listed as an officer of such  
 4967 corporation with the State Recording Office ~~Division of~~  
 4968 ~~Corporations~~ of the Department of State, in order to elect  
 4969 exemptions under this chapter. For purposes of this  
 4970 subparagraph, the term "affiliated" means and includes one or  
 4971 more corporations or entities, any one of which is a corporation  
 4972 engaged in the construction industry, under the same or  
 4973 substantially the same control of a group of business entities  
 4974 which are connected or associated so that one entity controls or  
 4975 has the power to control each of the other business entities.  
 4976 The term "affiliated" includes, but is not limited to, the  
 4977 officers, directors, executives, shareholders active in  
 4978 management, employees, and agents of the affiliated corporation.  
 4979 The ownership by one business entity of a controlling interest  
 4980 in another business entity or a pooling of equipment or income  
 4981 among business entities shall be prima facie evidence that one  
 4982 business is affiliated with the other.

4983         3. An officer of a corporation who elects to be exempt  
 4984 from this chapter by filing a written notice of the election  
 4985 with the department as provided in s. 440.05 is not an employee.

4986  
 4987 Services are presumed to have been rendered to the corporation  
 4988 if the officer is compensated by other than dividends upon  
 4989 shares of stock of the corporation which the officer owns.

4990         Section 150. Subsections (3) and (11) of section 440.05,  
 4991 Florida Statutes, are amended to read:

4992         440.05 Election of exemption; revocation of election;  
 4993 notice; certification.--

4994 (3) Each officer of a corporation who is engaged in the  
 4995 construction industry and who elects an exemption from this  
 4996 chapter or who, after electing such exemption, revokes that  
 4997 exemption, must mail a written notice to such effect to the  
 4998 department on a form prescribed by the department. The notice of  
 4999 election to be exempt from the provisions of this chapter must  
 5000 be notarized and under oath. The notice of election to be exempt  
 5001 which is submitted to the department by the officer of a  
 5002 corporation who is allowed to claim an exemption as provided by  
 5003 this chapter must list the name, federal tax identification  
 5004 number, social security number, all certified or registered  
 5005 licenses issued pursuant to chapter 489 held by the person  
 5006 seeking the exemption, a copy of relevant documentation as to  
 5007 employment status filed with the Internal Revenue Service as  
 5008 specified by the department, a copy of the relevant occupational  
 5009 license in the primary jurisdiction of the business, and the  
 5010 registration number of the corporation filed with the State  
 5011 Recording Office ~~Division of Corporations~~ of the Department of  
 5012 State along with a copy of the stock certificate evidencing the  
 5013 required ownership under this chapter. The notice of election to  
 5014 be exempt must identify each corporation that employs the person  
 5015 electing the exemption and must list the social security number  
 5016 or federal tax identification number of each such employer and  
 5017 the additional documentation required by this section. In  
 5018 addition, the notice of election to be exempt must provide that  
 5019 the officer electing an exemption is not entitled to benefits  
 5020 under this chapter, must provide that the election does not  
 5021 exceed exemption limits for officers provided in s. 440.02, and  
 5022 must certify that any employees of the corporation whose officer

5023 elects an exemption are covered by workers' compensation  
 5024 insurance. Upon receipt of the notice of the election to be  
 5025 exempt, receipt of all application fees, and a determination by  
 5026 the department that the notice meets the requirements of this  
 5027 subsection, the department shall issue a certification of the  
 5028 election to the officer, unless the department determines that  
 5029 the information contained in the notice is invalid. The  
 5030 department shall revoke a certificate of election to be exempt  
 5031 from coverage upon a determination by the department that the  
 5032 person does not meet the requirements for exemption or that the  
 5033 information contained in the notice of election to be exempt is  
 5034 invalid. The certificate of election must list the name of the  
 5035 corporation listed in the request for exemption. A new  
 5036 certificate of election must be obtained each time the person is  
 5037 employed by a new or different corporation that is not listed on  
 5038 the certificate of election. A copy of the certificate of  
 5039 election must be sent to each workers' compensation carrier  
 5040 identified in the request for exemption. Upon filing a notice of  
 5041 revocation of election, an officer who is a subcontractor or an  
 5042 officer of a corporate subcontractor must notify her or his  
 5043 contractor. Upon revocation of a certificate of election of  
 5044 exemption by the department, the department shall notify the  
 5045 workers' compensation carriers identified in the request for  
 5046 exemption.

5047 (11) Any corporate officer permitted by this chapter to  
 5048 claim an exemption must be listed on the records of this state's  
 5049 Secretary of State, State Recording Office ~~Division of~~  
 5050 ~~Corporations~~, as a corporate officer. The department shall issue  
 5051 a stop-work order under s. 440.107(1) to any corporation who

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5052 employs a person who claims to be exempt as a corporate officer  
 5053 but who fails or refuses to produce the documents required under  
 5054 this subsection to the department within 3 business days after  
 5055 the request is made.

5056 Section 151. Paragraph (f) of subsection (5) of section  
 5057 443.004, Florida Statutes, is amended to read:

5058 445.004 Workforce Florida, Inc.; creation; purpose;  
 5059 membership; duties and powers.--

5060 (5) Workforce Florida, Inc., shall have all the powers and  
 5061 authority, not explicitly prohibited by statute, necessary or  
 5062 convenient to carry out and effectuate the purposes as  
 5063 determined by statute, Pub. L. No. 105-220, and the Governor, as  
 5064 well as its functions, duties, and responsibilities, including,  
 5065 but not limited to, the following:

5066 (f) Archiving records with the State Library, Archives,  
 5067 and Records Services Office ~~Bureau of Archives and Records~~  
 5068 ~~Management of the Division of Library and Information Services~~  
 5069 of the Department of State.

5070 Section 152. Subsection (4) of section 468.401, Florida  
 5071 Statutes, is amended to read:

5072 468.401 Regulation of talent agencies; definitions.--As  
 5073 used in this part or any rule adopted pursuant hereto:

5074 (4) "Engagement" means any employment or placement of an  
 5075 artist, where the artist performs in his or her artistic  
 5076 capacity. However, the term "engagement" shall not apply to  
 5077 procuring opera, music, theater, or dance engagements for any  
 5078 organization defined in s. 501(c)(3) of the Internal Revenue  
 5079 Code or any nonprofit Florida arts organization that has  
 5080 received a grant from the Division of Cultural Affairs or the

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5081 Art and History Programs Office of the Department of State or  
 5082 has participated in the state touring program of the division or  
 5083 the office of Cultural Affairs.

5084 Section 153. Subsection (21) of section 561.01, Florida  
 5085 Statutes, is amended to read:

5086 561.01 Definitions.--As used in the Beverage Law:

5087 (21) For purposes of license qualification pursuant to s.  
 5088 561.20(2)(a)1. the term "historic structure" means a structure  
 5089 that is listed on the National Register of Historic Places  
 5090 pursuant to the National Historic Preservation Act of 1966, or  
 5091 is within and contributes to a registered historic district  
 5092 pursuant to 26 U.S.C. s. 48(g)(3)(B), or has been found to meet  
 5093 the criteria of historical significance of the ~~Division of~~  
 5094 ~~Historical Resources of the~~ Department of State, as certified by  
 5095 that department ~~division~~ or by a locally established historic  
 5096 preservation board or commission, or like body, which has been  
 5097 granted authority to designate historically significant  
 5098 properties by the jurisdiction within which the hotel or motel  
 5099 is located.

5100 Section 154. Subsection (4) of section 607.0401, Florida  
 5101 Statutes, is amended to read:

5102 607.0401 Corporate name.--A corporate name:

5103 (4) Must be distinguishable from the names of all other  
 5104 entities or filings, except fictitious name registrations  
 5105 pursuant to s. 865.09, organized, registered, or reserved under  
 5106 the laws of this state, which names are on file with the State  
 5107 Recording Office ~~Division of Corporations~~.

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5108 Section 155. Paragraph (b) of subsection (1) and  
 5109 subsection (2) of section 607.1506, Florida Statutes, are  
 5110 amended to read:

5111 607.1506 Corporate name of foreign corporation.--

5112 (1) A foreign corporation is not entitled to file an  
 5113 application for a certificate of authority unless the corporate  
 5114 name of such corporation satisfies the requirements of s.  
 5115 607.0401. If the corporate name of a foreign corporation does  
 5116 not satisfy the requirements of s. 607.0401, the foreign  
 5117 corporation, to obtain or maintain a certificate of authority to  
 5118 transact business in this state:

5119 (b) May use an alternate name to transact business in this  
 5120 state if its real name is unavailable. Any such alternate  
 5121 corporate name, adopted for use in this state, shall be cross-  
 5122 referenced to the real corporate name in the records of the  
 5123 State Recording Office ~~Division of Corporations~~. If the  
 5124 corporation's real corporate name becomes available in this  
 5125 state or the corporation chooses to change its alternate name, a  
 5126 copy of the resolution of its board of directors changing or  
 5127 withdrawing the alternate name, executed as required by s.  
 5128 607.0120, shall be delivered for filing.

5129 (2) The corporate name (including the alternate name) of a  
 5130 foreign corporation must be distinguishable upon the records of  
 5131 the State Recording Office ~~Division of Corporations~~ from:

5132 (a) Any corporate name of a corporation incorporated or  
 5133 authorized to transact business in this state;

5134 (b) The alternate name of another foreign corporation  
 5135 authorized to transact business in this state;

5136 (c) The corporate name of a not-for-profit corporation  
 5137 incorporated or authorized to transact business in this state;  
 5138 and

5139 (d) The names of all other entities or filings, except  
 5140 fictitious name registrations pursuant to s. 865.09, organized  
 5141 or registered under the laws of this state that are on file with  
 5142 the State Recording Office ~~Division of Corporations~~.

5143 Section 156. Paragraph (e) of subsection (1) of section  
 5144 617.0401, Florida Statutes, is amended to read:

5145 617.0401 Corporate name.--

5146 (1) A corporate name:

5147 (e) Must be distinguishable from the names of all other  
 5148 entities or filings, except fictitious name registrations  
 5149 pursuant to s. 865.09, organized, registered, or reserved under  
 5150 the laws of this state, that are on file with the State  
 5151 Recording Office ~~Division of Corporations~~.

5152 Section 157. Subsections (2) and (4) of section 617.1506,  
 5153 Florida Statutes, are amended to read:

5154 617.1506 Corporate name of foreign corporation.--

5155 (2) The corporate name, including the alternate name, of a  
 5156 foreign corporation must be distinguishable, within the records  
 5157 of the State Recording Office ~~Division of Corporations~~, from:

5158 (a) The alternate name of another foreign corporation  
 5159 authorized to transact business in this state.

5160 (b) The corporate name of a not-for-profit corporation  
 5161 incorporated or authorized to transact business in this state.

5162 (c) The names of all other entities or filings, except  
 5163 fictitious name registrations pursuant to s. 865.09, organized,

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5164 or registered under the laws of this state, that are on file  
 5165 with the State Recording Office ~~Division of Corporations~~.

5166 (4) The corporate name must be distinguishable from the  
 5167 names of all other entities or filings, organized, registered,  
 5168 or reserved under the laws of the state that are on file with  
 5169 the State Recording Office ~~Division of Corporations~~, except  
 5170 fictitious name registrations pursuant to s. 865.09.

5171 Section 158. Subsection (3) of section 620.103, Florida  
 5172 Statutes, is amended to read:

5173 620.103 Name of limited partnership.--The name of each  
 5174 domestic limited partnership as set forth in its certificate of  
 5175 limited partnership and the name of each foreign limited  
 5176 partnership as set forth in its application for registration as  
 5177 a foreign limited partnership:

5178 (3) Must be distinguishable from the names of all other  
 5179 entities or filings, except fictitious name registrations  
 5180 pursuant to s. 865.09, organized, registered, or reserved under  
 5181 the laws of this state, the names of which are on file with the  
 5182 State Recording Office ~~Division of Corporations~~ of the  
 5183 Department of State.

5184 Section 159. Paragraph (c) of subsection (2), subsections  
 5185 (3) and (4), and paragraphs (b) and (c) of subsection (6) of  
 5186 section 865.09, Florida Statutes, are amended to read:

5187 865.09 Fictitious name registration.--

5188 (2) DEFINITIONS.--As used in this section:

5189 (c) "Office Division" means the State Recording Office  
 5190 ~~Division of Corporations~~ of the Department of State.

5191 (3) REGISTRATION.--A person may not engage in business  
 5192 under a fictitious name unless the person first registers the

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5193 name with the office ~~division~~ by filing a sworn statement  
 5194 listing:

5195 (a) The name to be registered.

5196 (b) The mailing address of the business.

5197 (c) The name and address of each owner and, if a  
 5198 corporation, its federal employer's identification number and  
 5199 Florida incorporation or registration number.

5200 (d) Certification by the applicant that the intention to  
 5201 register such fictitious name has been advertised at least once  
 5202 in a newspaper as defined in chapter 50 in the county where the  
 5203 principal place of business of the applicant will be located.

5204 (e) Any other information the office ~~division~~ may deem  
 5205 necessary to adequately inform other governmental agencies and  
 5206 the public as to the persons so conducting business.

5207  
 5208 Such statement shall be accompanied by the applicable processing  
 5209 fees and any other taxes or penalties owed to the state.

5210 (4) CHANGE OF OWNERSHIP.--If the ownership of a business  
 5211 registered under this section changes, the owner of record with  
 5212 the office ~~division~~ shall file a cancellation and reregistration  
 5213 that meets the requirements set forth in subsection (3) within  
 5214 30 days after the occurrence of such change.

5215 (6) RENEWAL.--

5216 (b) In the last year of the registration, the office  
 5217 ~~division~~ shall mail to the last reported mailing address or to  
 5218 the address of any registered owner of a name a statement of  
 5219 renewal.

5220 (c) If the owner of the name registration fails to file a  
 5221 renewal and pay the appropriate processing fees prior to

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5222 December 31 of the year of expiration, the name registration  
 5223 expires. The office ~~division~~ shall remove any expired or  
 5224 canceled name registration from its records and may purge such  
 5225 registrations. Failure to receive the statement of renewal  
 5226 required by paragraph (b) shall not constitute grounds for  
 5227 appeal of a registration's expiration or removal from the  
 5228 office's ~~division's~~ records.

5229 Section 160. Subsection (3) of section 872.02, Florida  
 5230 Statutes, is amended to read:

5231 872.02 Injuring or removing tomb or monument; disturbing  
 5232 contents of grave or tomb; penalties.--

5233 (3) This section shall not apply to any person acting  
 5234 under the direction or authority of the ~~Division of Historical~~  
 5235 ~~Resources of the~~ Department of State, to cemeteries operating  
 5236 under chapter 497, or to any person otherwise authorized by law  
 5237 to remove or disturb a tomb, monument, gravestone, burial mound,  
 5238 or similar structure, or its contents, as described in  
 5239 subsection (1).

5240 Section 161. Paragraphs (c) and (e) of subsection (2),  
 5241 paragraphs (b) and (c) of subsection (4), paragraph (c) of  
 5242 subsection (5), subsections (6), (7), and (8), and paragraph (c)  
 5243 of subsection (10) of section 872.05, Florida Statutes, are  
 5244 amended to read:

5245 872.05 Unmarked human burials.--

5246 (2) DEFINITIONS.--As used in this section:

5247 (c) "Department Division" means the ~~Division of Historical~~  
 5248 ~~Resources of the~~ Department of State.

5249 (e) "State Archaeologist" means the person employed by the  
 5250 department ~~division~~ pursuant to s. 267.031(6).

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5251 (4) DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN  
5252 DURING AN ARCHAEOLOGICAL EXCAVATION.--When an unmarked human  
5253 burial is discovered other than during an archaeological  
5254 excavation authorized by the state or an educational  
5255 institution, all activity that may disturb the unmarked human  
5256 burial shall cease immediately, and the district medical  
5257 examiner shall be notified. Such activity shall not resume  
5258 unless specifically authorized by the district medical examiner  
5259 or the State Archaeologist.

5260 (b) If the district medical examiner finds that the  
5261 unmarked human burial is not involved in a legal investigation  
5262 and represents the burial of an individual who has been dead 75  
5263 years or more, he or she shall notify the State Archaeologist,  
5264 and the department ~~division~~ may assume jurisdiction over and  
5265 responsibility for the unmarked human burial pursuant to  
5266 subsection (6).

5267 (c) When the department ~~division~~ assumes jurisdiction over  
5268 an unmarked human burial, the State Archaeologist shall consult  
5269 a human skeletal analyst who shall report within 15 days as to  
5270 the cultural and biological characteristics of the human  
5271 skeletal remains and where such burial or remains should be held  
5272 prior to a final disposition.

5273 (5) DISCOVERY OF AN UNMARKED HUMAN BURIAL DURING AN  
5274 ARCHAEOLOGICAL EXCAVATION.--

5275 (c) Within 15 days after the discovery of an unmarked  
5276 human burial, the archaeologist conducting the excavation shall  
5277 report to the State Archaeologist his or her opinion regarding  
5278 the cultural and biological characteristics of the unmarked  
5279 human burial and where human skeletal remains and associated

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5280 burial artifacts should be held prior to a final disposition.  
5281 The department ~~division~~ may assume jurisdiction over and  
5282 responsibility for the unmarked human burial pursuant to  
5283 subsection (6).

5284 (6) JURISDICTION; DUTIES OF THE STATE ARCHAEOLOGIST.--The  
5285 department ~~division~~ may assume jurisdiction over and  
5286 responsibility for an unmarked human burial in order to initiate  
5287 efforts for the proper protection of the burial and the human  
5288 skeletal remains and associated burial artifacts. Whenever the  
5289 department ~~division~~ assumes jurisdiction over and responsibility  
5290 for an unmarked human burial, the State Archaeologist shall:

5291 (a) Determine whether the unmarked human burial is  
5292 historically, archaeologically, or scientifically significant.  
5293 If the burial is deemed significant, reinterment may not occur  
5294 until the remains have been examined by a human skeletal analyst  
5295 designated by the State Archaeologist.

5296 (b) Make reasonable efforts to identify and locate persons  
5297 who can establish direct kinship, tribal, community, or ethnic  
5298 relationships with the individual or individuals whose remains  
5299 constitute the unmarked human burial. If possible, the State  
5300 Archaeologist shall consult with the closest related family  
5301 member or recognized community leaders, if a community or ethnic  
5302 relationship is established, in determining the proper  
5303 disposition of the remains found in the unmarked human burial.

5304 (c) If he or she is unable to establish a kinship, tribal,  
5305 community, or ethnic relationship with the unmarked human  
5306 burial, determine the proper disposition of the burial and  
5307 consult with persons with relevant experience, including:

5308 1. A human skeletal analyst.

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5309           2. Two Native American members of current state tribes  
5310 recommended by the Governor's Council on Indian Affairs, Inc.,  
5311 if the remains are those of a Native American.

5312           3. Two representatives of related community or ethnic  
5313 groups if the remains are not those of a Native American.

5314           4. An individual who has special knowledge or experience  
5315 regarding the particular type of the unmarked human burial.

5316  
5317 If the State Archaeologist finds that an unmarked human burial  
5318 is historically, archaeologically, or scientifically significant  
5319 and if the parties with whom he or she is required under this  
5320 subsection to consult agree, the human skeletal remains and the  
5321 associated burial artifacts thereof shall belong to the state  
5322 with title thereto vested in the department ~~division~~.

5323           (7) REPORT REQUIRED.--The archaeologist and human skeletal  
5324 analyst involved in the archaeological excavation and scientific  
5325 analysis of an unmarked human burial shall submit a written  
5326 report of archaeological and scientific findings as well as a  
5327 summary of such findings, in terms that may be understood by  
5328 laypersons, to the State Archaeologist within 2 years after  
5329 completion of an excavation. The department ~~division~~ shall  
5330 publish the summary within 1 year after its receipt and shall  
5331 make such report available upon request.

5332           (8) PUBLIC DISPLAY.--

5333           (a) Associated burial artifacts may be made available on  
5334 loan by the department ~~division~~ for educational purposes to  
5335 institutions that have demonstrated an ability to provide safe,  
5336 proper, and respectful care.

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5337 (b) The department ~~division~~ shall develop guidelines and  
 5338 adopt rules regarding the public display of human remains. Such  
 5339 guidelines and rules shall not restrict legal, medical, or  
 5340 educational use of human skeletal remains, or the display of  
 5341 human skeletal remains in a manner not objectionable to groups  
 5342 with a kinship, tribal, community, or ethnic relationship to the  
 5343 individual whose remains are displayed.

5344 (10) VIOLATION AND PENALTIES.--

5345 (c) This subsection shall not apply to any person acting  
 5346 under the direction or authority of the department ~~division~~ or  
 5347 to any person otherwise authorized by law to disturb, destroy,  
 5348 or remove an unmarked human burial.

5349 Section 162. Section 943.1728, Florida Statutes, is  
 5350 amended to read:

5351 943.1728 Basic skills training relating to the protection  
 5352 of archaeological sites.--The commission shall establish  
 5353 standards for instruction of law enforcement officers in the  
 5354 subject of skills relating to the protection of archaeological  
 5355 sites and artifacts. In developing such standards and skills,  
 5356 the commission shall consult with representatives of the  
 5357 following agencies: the ~~Division of Historical Resources of the~~  
 5358 Department of State, the Fish and Wildlife Conservation  
 5359 Commission, and the Department of Environmental Protection. The  
 5360 commission shall develop the standards for training in any of  
 5361 the following: basic recruit courses, advanced and specialized  
 5362 courses, or other appropriate training courses as determined by  
 5363 the commission.

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5364 Section 163. Subsection (1) and paragraph (b) of  
 5365 subsection (3) of section 1004.51, Florida Statutes, are amended  
 5366 to read:

5367 1004.51 Community and Faith-based Organizations  
 5368 Initiative; Community and Library Technology Access  
 5369 Partnership.--

5370 (1) CREATION.--There is created the Community and Faith-  
 5371 based Organizations Initiative which shall be administered by  
 5372 the Institute on Urban Policy and Commerce at Florida  
 5373 Agricultural and Mechanical University and the Community and  
 5374 Library Technology Access Partnership which shall be  
 5375 administered by the State Library, Archives, and Records  
 5376 Services Office ~~Division of Library and Information Services~~ of  
 5377 the Department of State.

5378 (3) AUTHORIZED ACTIVITIES.--

5379 (b) Authorized activities of the partnership.--The State  
 5380 Library, Archives, and Records Services Office ~~Division of~~  
 5381 ~~Library and Information Services~~ of the Department of State may  
 5382 conduct the following activities as part of the Community and  
 5383 Library Technology Access Partnership:

5384 1. Provide funding for e-rate eligible public libraries to  
 5385 provide technology access and training to community and faith-  
 5386 based organizations. Funding provided under this subparagraph  
 5387 must be for eligible public libraries in distressed communities  
 5388 in the state. The office ~~division~~ shall consult with the  
 5389 Institute on Urban Policy and Commerce to identify such  
 5390 communities and to develop criteria to be used in evaluating  
 5391 funding proposals. The office ~~division~~ shall coordinate with the  
 5392 institute to ensure that, to the maximum extent possible, the

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5393 office ~~division~~ and the institute leverage their resources under  
 5394 the programs authorized by this section in order to focus  
 5395 efforts on addressing the most distressed communities in the  
 5396 state. The office ~~division~~ shall include a representative of the  
 5397 institute on a review team to evaluate funding proposals under  
 5398 this subparagraph.

5399 2. Provide a method of assessment and outcome measurement  
 5400 for e-rate eligible public libraries to assess progress in  
 5401 closing the digital divide and in training for individuals to  
 5402 succeed in the emerging information economy.

5403 Section 164. Subsection (2) of section 1004.52, Florida  
 5404 Statutes, is amended to read:

5405 1004.52 Community computer access grant program.--

5406 (2) Subject to legislative appropriation, there is created  
 5407 the Community High-Technology Investment Partnership (CHIP)  
 5408 program to assist distressed urban communities in securing  
 5409 computers for access by youths between the ages of 5 years and  
 5410 18 years who reside in these communities. The program shall be  
 5411 administered by the Institute on Urban Policy and Commerce at  
 5412 Florida Agricultural and Mechanical University pursuant to a  
 5413 performance-based contract with the State Library, Archives, and  
 5414 Records Services Office ~~Division of Library and Information~~  
 5415 ~~Services~~ of the Department of State. The office ~~division~~ shall  
 5416 develop performance measures, standards, and sanctions for the  
 5417 program. Performance measures must include, but are not limited  
 5418 to: the number of youths obtaining access to computers purchased  
 5419 under this program; the number of hours computers are made  
 5420 available to youths; and the number of hours spent by youths on  
 5421 computers purchased under this program for educational purposes.

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5422 The administrative costs for administration of this program  
 5423 cannot exceed 10 percent of the amount appropriated to the  
 5424 office ~~division~~ for the program.

5425 Section 165. Paragraph (a) of subsection (1) of section  
 5426 1004.94, Florida Statutes, is amended to read:

5427 1004.94 Adult literacy.--

5428 (1)(a) An adult, individualized literacy instruction  
 5429 program is created for adults who possess literacy skills below  
 5430 the ninth grade level. The purpose of the program is to provide  
 5431 self-paced, competency-based, individualized tutorial  
 5432 instruction. The commissioner shall administer this section in  
 5433 coordination with community college boards of trustees, local  
 5434 school boards, and the State Library, Archives, and Records  
 5435 Services Office ~~Division of Library and Information Services~~ of  
 5436 the Department of State.

5437 Section 166. Paragraph (g) of subsection (1) of section  
 5438 1013.64, Florida Statutes, is amended to read:

5439 1013.64 Funds for comprehensive educational plant needs;  
 5440 construction cost maximums for school district capital  
 5441 projects.--Allocations from the Public Education Capital Outlay  
 5442 and Debt Service Trust Fund to the various boards for capital  
 5443 outlay projects shall be determined as follows:

5444 (1)

5445 (g) When an existing educational plant is determined to be  
 5446 unsatisfactory pursuant to the survey conducted under s.  
 5447 1013.31, the board may, by resolution, designate the plant as a  
 5448 historic educational facility and may use funds generated for  
 5449 renovation and remodeling pursuant to this section to restore  
 5450 the facility for use by the board. The board shall agree to pay

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5451 renovation and remodeling costs in excess of funds which such  
 5452 facility would have generated through the depreciation formula  
 5453 in paragraph (a) had the facility been determined to be  
 5454 satisfactory. The board shall further agree that the plant shall  
 5455 continue to house students. The board may designate a plant as a  
 5456 historic educational facility only if the ~~Division of Historical~~  
 5457 ~~Resources of the~~ Department of State or the appropriate historic  
 5458 preservation board under chapter 266 certifies that:

5459 1. The plant is listed or determined eligible for listing  
 5460 in the National Register of Historic Places pursuant to the  
 5461 National Historic Preservation Act of 1966, as amended, 16  
 5462 U.S.C. s. 470;

5463 2. The plant is designated historic within a certified  
 5464 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal  
 5465 Revenue Code; or

5466 3. The department ~~division~~ or historic preservation board  
 5467 otherwise finds that the plant is historically significant.

5468 Section 167. Sections 265.51, 265.52, 265.53, 265.54,  
 5469 265.55, and 265.56, Florida Statutes, are repealed.

5470 Section 168. This act shall take effect July 1, 2004.