

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Department of State; amending s.  
7 20.10, F.S.; reorganizing the department; providing for an  
8 assistant Secretary of State and deputy secretaries of  
9 state; renaming the Division of Corporations as the  
10 Division of State Recordings; providing for a Bureau of  
11 Central Computing Support Services; providing direction  
12 relating to departmental grants processes and programs;  
13 prohibiting changes to statutorily required  
14 responsibilities and duties without specific statutory  
15 revision; amending ss. 119.092, 205.023, 213.053, 213.50,  
16 440.02, 440.05, 607.0401, 607.1506, 617.0401, 617.1506,  
17 620.103, and 865.09, F.S., to conform; amending s.  
18 14.2015, F.S.; providing for the performance of state  
19 protocol officer functions and the provision of assistance  
20 and facilities to the Organization of American States by  
21 the Office of Tourism, Trade, and Economic Development;  
22 amending s. 15.09, F.S.; conforming name change for the  
23 Division of Corporations to Division of State Recordings;

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24 providing for deposit of certain reinstatement fees, late  
25 fees, and penalties collected by the Division of State  
26 Recordings of the Department of State into the Cultural  
27 Institutions Trust Fund rather than the General Revenue  
28 Fund; providing for disbursement of such revenues to fund  
29 cultural and historical preservation grants and programs;  
30 amending s. 15.16, F.S.; deleting specific statutory  
31 citations for required filings of records that may be  
32 required to be filed electronically; amending s. 15.182,  
33 F.S.; providing for notification of the Office of Tourism,  
34 Trade, and Economic Development regarding international  
35 travel by certain cultural arts organizations; creating s.  
36 257.015, F.S.; providing definitions; amending s. 257.02,  
37 F.S.; increasing membership on the State Library Council;  
38 providing for criteria for members and selection process;  
39 providing for election of officers; amending s. 257.031,  
40 F.S.; deleting reference to the State Library Council and  
41 provisions for officers; adding responsibilities for the  
42 State Librarian; amending s. 257.12, F.S.; designating the  
43 Division of Library and Information Services as the state  
44 library administrative agency; amending s. 257.192, F.S.;  
45 correcting terminology; amending s. 257.41, F.S.; deleting  
46 requirement for issuance of a certificate to library  
47 cooperatives; creating s. 257.43, F.S.; providing for the  
48 establishment of a citizen support organization for  
49 certain purposes; providing for use of administrative  
50 services and property; requiring an annual audit;  
51 providing for anonymity of donors; amending s. 265.284,

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52 F.S.; designating the Division of Cultural Affairs as the  
53 state arts administrative agency; deleting obsolete  
54 language; amending s. 265.2865, F.S.; deleting obsolete  
55 language; amending s. 265.606, F.S.; requiring certain  
56 organizations to submit a postaudit to the division under  
57 certain circumstances; amending s. 265.701, F.S.;  
58 requiring recordation of covenants; requiring a facility  
59 to continue use as a cultural facility for a specified  
60 time; providing penalties; amending s. 265.702, F.S.;  
61 requiring recordation of covenants; requiring a facility  
62 to continue use as a regional cultural facility for a  
63 specified time; providing penalties; creating s. 265.703,  
64 F.S.; providing for the establishment of a citizen support  
65 organization for certain purposes; providing for use of  
66 administrative services and property; requiring an annual  
67 audit; providing for anonymity of donors; amending s.  
68 267.031, F.S.; adding to the division specific  
69 responsibility for archaeological sites and artifacts;  
70 providing for a memorandum of agreement for a network of  
71 public archaeology centers; requiring that the University  
72 of West Florida coordinate the establishment and operation  
73 of a network of regional public archaeology centers  
74 through such agreement; amending s. 267.0612, F.S.;  
75 providing for continuation as commission member until a  
76 replacement is appointed; amending s. 267.0731, F.S.;  
77 deleting obsolete language; amending s. 267.14, F.S.;  
78 providing that state public policy relating to  
79 preservation of archaeological sites and objects of

80 | antiquity include the establishment of a network of  
 81 | regional public archaeology centers to provide public  
 82 | outreach and assist local governments; creating s.  
 83 | 267.145, F.S.; requiring the department to create a  
 84 | network of regional public archaeology centers; requiring  
 85 | that the University of West Florida coordinate the  
 86 | establishment and operation of the network; amending s.  
 87 | 267.16, F.S.; deleting obsolete language; amending ss.  
 88 | 288.0251, 288.809, and 288.816, F.S., relating to  
 89 | international development outreach activities in Latin  
 90 | America and the Caribbean Basin, the Florida  
 91 | Intergovernmental Relations Foundation, and  
 92 | intergovernmental relations, to conform; amending s.  
 93 | 288.8175, F.S.; redefining "department" for purposes of  
 94 | linkage institutes between postsecondary institutions in  
 95 | this state and foreign countries; transferring the  
 96 | provision of assistance and facilities to the Organization  
 97 | of American States, state protocol officer functions,  
 98 | international development outreach activities in Latin  
 99 | America and the Caribbean Basin, the Florida  
 100 | Intergovernmental Relations Foundation, and  
 101 | intergovernmental relations functions by a type two  
 102 | transfer from the Department of State to the Executive  
 103 | Office of the Governor; excluding the transfer of certain  
 104 | trust funds; transferring linkage institutes between  
 105 | postsecondary institutions in this state and foreign  
 106 | countries by a type two transfer from the Department of  
 107 | State to the Department of Education; excluding the

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108 transfer of certain trust funds; repealing s. 15.0913,  
 109 F.S., relating to performance standards for Uniform  
 110 Commercial Code documents; repealing ss. 15.17 and 15.19,  
 111 F.S., relating to the provision of assistance and  
 112 facilities to the Organization of American States and the  
 113 performance of state protocol officer functions; repealing  
 114 ss. 265.51, 265.52, 265.53, 265.54, 265.55, and 265.56,  
 115 F.S., relating to authority of the department to enter  
 116 indemnity agreements; providing an effective date.

117

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

119

120 Section 1. Section 20.10, Florida Statutes, is amended to  
 121 read:

122 20.10 Department of State.--There is created a Department  
 123 of State.

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

130 (2) The Secretary of State shall appoint an assistant  
 131 secretary and two deputy secretaries, who shall serve at the  
 132 pleasure of the secretary.

133 (a) The Assistant Secretary of State shall act in the  
 134 absence of the secretary, shall be directly responsible to the

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135 secretary, and shall perform such duties as are assigned by the  
136 secretary.

137 (b) The Deputy Secretary for Cultural and Historical  
138 Programs shall be directly responsible to the secretary, shall  
139 have oversight of the Division of Historical Resources and the  
140 Division of Cultural Affairs, and shall perform such other  
141 duties as assigned by the secretary.

142 (c) The Deputy Secretary for State Records shall be  
143 directly responsible to the secretary, shall have oversight of  
144 the Division of Elections, the Division of State Recordings, and  
145 the Division of Library and Information Services, and shall  
146 perform such other duties as assigned by the secretary.

147 (3)(2) The following divisions of the Department of State  
148 are established:

- 149 (a) Division of Elections.
- 150 (b) Division of Historical Resources.
- 151 (c) Division of State Recordings Corporations.
- 152 (d) Division of Library and Information Services.
- 153 (e) Division of Cultural Affairs.
- 154 (f) Division of Administration.
- 155 1. Bureau of Central Computing Support Services.

156 (4) The department is encouraged to computerize its grant  
157 application and other processes. The department, to the extent  
158 feasible, may cross train employees with grant expertise in the  
159 divisions with responsibility for grant awards and shall use  
160 uniform grant processes and forms when appropriate. The  
161 department shall not modify the standards or the program and  
162 grant relationships and responsibilities established in law.

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163       (5) Statutorily required duties and responsibilities of  
 164 and programs assigned to divisions within the department or  
 165 those required of or assigned to the department shall not be  
 166 changed without specific statutory revision.

167       ~~(6)(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 2. Subsections (10) and (11) are added to section  
 171 14.2015, Florida Statutes, to read:

172       14.2015 Office of Tourism, Trade, and Economic  
 173 Development; creation; powers and duties.--

174       (10) The Director of the Office of Tourism, Trade, and  
 175 Economic Development shall serve as the state protocol officer.  
 176 In consultation with the Governor and other governmental  
 177 officials, the Director of the Office of Tourism, Trade, and  
 178 Economic Development shall develop, maintain, publish, and  
 179 distribute the state protocol manual.

180       (11) The Legislature authorizes the Office of Tourism,  
 181 Trade, and Economic Development to provide assistance and  
 182 facilities to the Organization of American States in  
 183 establishing and maintaining a regional headquarters in this  
 184 state.

185       Section 3. Subsection (4) of section 15.09, Florida  
 186 Statutes, is amended to read:

187       15.09 Fees.--

188       (4)(a) Except as provided in paragraph (b), all funds  
 189 collected by the Division of State Recordings ~~Corporations~~ of  
 190 the department shall be deposited in the General Revenue Fund.

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191 (b) All reinstatement fees, late fees, and penalties  
 192 collected pursuant to ss. 607.0122(13), 607.1422(1),  
 193 607.1502(4), 607.193(2)(b), 608.502, 617.0122(13), 617.1422(1),  
 194 and 617.1623(1) shall be deposited in the Cultural Institutions  
 195 Trust Fund and disbursed each fiscal year as follows:

196 1. The sum of \$2 million shall be transferred to the  
 197 Historical Resources Operating Trust Fund for the purpose of  
 198 funding historic preservation matching grants pursuant to s.  
 199 267.0617.

200 2. The sum of \$1.75 million shall be transferred to the  
 201 Historical Resources Operating Trust Fund for the purpose of  
 202 funding historical museum grants pursuant to s. 267.0619.

203 3. The sum of \$14.3 million shall be used for the purpose  
 204 of funding cultural grants as provided in ss. 265.286, 265.2861,  
 205 265.608, and 265.609.

206 4. Any remaining proceeds shall be used for the purpose of  
 207 providing state matching funds for the Cultural Endowment  
 208 Program as provided in s. 265.606.

209  
 210 If proceeds fall below the amounts required to be disbursed in  
 211 subparagraphs 1.-3., the spending authority provided in this  
 212 paragraph for the Cultural Institutions Trust Fund and the  
 213 Historical Resources Operating Trust Fund shall be reduced  
 214 proportionally.

215 Section 4. Subsection (3) of section 15.16, Florida  
 216 Statutes, is amended to read:

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217 15.16 Reproduction of records; admissibility in evidence;  
218 electronic receipt and transmission of records; certification;  
219 acknowledgment.--

220 (3) The Department of State may cause to be received  
221 electronically any records that are required to be filed with it  
222 ~~pursuant to chapter 55, chapter 606, chapter 607, chapter 608,~~  
223 ~~chapter 617, chapter 620, chapter 621, chapter 679, chapter 713,~~  
224 ~~or chapter 865,~~ through facsimile or other electronic transfers,  
225 for the purpose of filing such records. The originals of all  
226 such electronically transmitted records must be executed in the  
227 manner provided in paragraph (5)(b). The receipt of such  
228 electronic transfer constitutes delivery to the department as  
229 required by law.

230 Section 5. Subsections (1) and (2) of section 15.182,  
231 Florida Statutes, are amended to read:

232 15.182 International travel by state-funded musical,  
233 cultural, or artistic organizations; notification to Office of  
234 Tourism, Trade, and Economic Development ~~Department of State~~.--

235 (1) If a musical, cultural, or artistic organization that  
236 receives state funding is traveling internationally for a  
237 presentation, performance, or other significant public viewing,  
238 including an organization associated with a college or  
239 university, such organization shall notify the Office of  
240 Tourism, Trade, and Economic Development ~~Department of State~~ of  
241 its intentions to travel, together with the date, time, and  
242 location of each appearance. ~~It is the desire of the Legislature~~  
243 ~~that such cultural exchanges be coordinated with the state's~~  
244 ~~economic development goals. The Secretary of State shall notify~~

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245 ~~Enterprise Florida, Inc., of the intended travel schedule of all~~  
 246 ~~such organizations, including, but not limited to, symphonies,~~  
 247 ~~orchestras, dance troupes, bands, choirs, choral groups, drama~~  
 248 ~~troupes, musical performing groups, traveling exhibitions~~  
 249 ~~sponsored by museums, and performance artists.~~

250 (2) The Office of Tourism, Trade, and Economic Development  
 251 ~~Department of State~~, in conjunction with Enterprise Florida,  
 252 Inc., shall act as an intermediary between performing musical,  
 253 cultural, and artistic organizations and Florida businesses to  
 254 encourage and coordinate joint undertakings. Such coordination  
 255 may include, but is not limited to, encouraging business and  
 256 industry to sponsor cultural events, assistance with travel of  
 257 such organizations, and coordinating travel schedules of  
 258 cultural performance groups and international trade missions.

259 Section 6. Section 119.092, Florida Statutes, is amended  
 260 to read:

261 119.092 Registration by federal employer's registration  
 262 number.--Each state agency which registers or licenses  
 263 corporations, partnerships, or other business entities shall  
 264 include, by July 1, 1978, within its numbering system, the  
 265 federal employer's identification number of each corporation,  
 266 partnership, or other business entity registered or licensed by  
 267 it. Any state agency may maintain a dual numbering system in  
 268 which the federal employer's identification number or the state  
 269 agency's own number is the primary identification number;  
 270 however, the records of such state agency shall be designed in  
 271 such a way that the record of any business entity is subject to  
 272 direct location by the federal employer's identification number.

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273 The Department of State shall keep a registry of federal  
 274 employer's identification numbers of all business entities,  
 275 registered with the Division of State Recordings Corporations,  
 276 which registry of numbers may be used by all state agencies.

277 Section 7. Subsection (1) of section 205.023, Florida  
 278 Statutes, is amended to read:

279 205.023 Requirement to report status of fictitious name  
 280 registration.--As a prerequisite to receiving a local  
 281 occupational license under this chapter or transferring a  
 282 business license under s. 205.033(2) or s. 205.043(2), the  
 283 applicant or new owner must present to the county or  
 284 municipality that has jurisdiction to issue or transfer the  
 285 license either:

286 (1) A copy of the applicant's or new owner's current  
 287 fictitious name registration, issued by the Division of State  
 288 Recordings Corporations of the Department of State; or

289 Section 8. Paragraph (b) of subsection (7) and subsection  
 290 (14) of section 213.053, Florida Statutes, are amended to read:

291 213.053 Confidentiality and information sharing.--

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

294 (b) Names, addresses, and dates of commencement of  
 295 business activities of corporations to the Division of State  
 296 Recordings Corporations of the Department of State in the  
 297 conduct of its official duties.

298  
 299 Disclosure of information under this subsection shall be  
 300 pursuant to a written agreement between the executive director

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301 and the agency. Such agencies, governmental or nongovernmental,  
 302 shall be bound by the same requirements of confidentiality as  
 303 the Department of Revenue. Breach of confidentiality is a  
 304 misdemeanor of the first degree, punishable as provided by s.  
 305 775.082 or s. 775.083.

306 (14)(a) Notwithstanding any other provision of this  
 307 section, the department shall, subject to the safeguards  
 308 specified in paragraph (c), disclose to the Division of State  
 309 Recordings Corporations of the Department of State the name,  
 310 address, federal employer identification number, and duration of  
 311 tax filings with this state of all corporate or partnership  
 312 entities which are not on file or have a dissolved status with  
 313 the Division of State Recordings Corporations and which have  
 314 filed tax returns pursuant to either chapter 199 or chapter 220.

315 (b) The Division of State Recordings Corporations shall  
 316 use such information only in the pursuit of its official duties  
 317 relative to nonqualified foreign or dissolved corporations in  
 318 the recovery of fees and penalties due and owing the state.

319 (c) All information exchanged between the Division of  
 320 State Recordings Corporations and the department shall be  
 321 subject to the same requirements of confidentiality as the  
 322 Department of Revenue.

323 Section 9. Subsection (2) of section 213.50, Florida  
 324 Statutes, is amended to read:

325 213.50 Failure to comply; revocation of corporate charter;  
 326 refusal to reinstate charter.--

327 (2) A request for reinstatement of a corporate charter may  
 328 not be granted by the Division of State Recordings Corporations

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329 of the Department of State if an outstanding tax warrant has  
330 existed for that corporation for more than 3 consecutive months.

331 Section 10. Section 257.015, Florida Statutes, is created  
332 to read:

333 257.015 Definitions.--As used in this chapter, the term:

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

335 (2) "Division" means the Division of Library and  
336 Information Services of the Department of State.

337 (3) "Secretary" means the Secretary of State.

338 (4) "State librarian" means the position to which a person  
339 is appointed by the secretary pursuant to s. 257.031 as the  
340 director of the Division of Library and Information Services.

341 Section 11. Subsections (1) and (3) of section 257.02,  
342 Florida Statutes, are amended, and subsection (4) is added to  
343 said section, to read:

344 257.02 State Library Council.--

345 (1) There shall be a State Library Council to advise and  
346 assist the Division of Library and Information Services on its  
347 programs and activities. The council shall consist of nine ~~seven~~  
348 members who shall be appointed by the Secretary of State. Of the  
349 nine members at least one ~~member of the council~~ must represent a  
350 Florida library professional association, at least one must  
351 represent a Florida archive professional association, at least  
352 one must represent a Florida records management professional  
353 association, be a person who is 60 years of age or older; and at  
354 least one ~~member of the council~~ must be a person who is not, and  
355 has never been, employed in a library or in teaching library  
356 science courses. Members shall be appointed for 4-year terms. A

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357 vacancy on the council shall be filled for the period of the  
 358 unexpired term. No person may be appointed to serve more than  
 359 two consecutive terms as a member of the council. The Secretary  
 360 of State may remove from office any council member for  
 361 malfeasance, misfeasance, neglect of duty, incompetence,  
 362 permanent inability to perform official duties, or pleading  
 363 guilty or nolo contendere to, or being found guilty of, a  
 364 felony. ~~In addition to, and at the request of, the members of~~  
 365 ~~the council appointed by the Secretary of State, the president-~~  
 366 ~~elect of the Florida Library Association may serve as a member~~  
 367 ~~of the council in a nonvoting capacity during his or her term as~~  
 368 ~~president-elect.~~

369 (3) The Secretary of State may, in making appointments,  
 370 consult Florida's library, archival, or records management  
 371 community ~~the Florida Library Association~~ and related statewide  
 372 associations and organizations for suggestions as to persons  
 373 having special knowledge and interest concerning libraries.

374 (4) The officers of the State Library Council shall be a  
 375 chair, elected from the members thereof, and the State  
 376 Librarian, who shall serve without voting rights as secretary of  
 377 the council.

378 Section 12. Section 257.031, Florida Statutes, is amended  
 379 to read:

380 257.031 State Librarian ~~Organization of council;~~  
 381 ~~appointment and duties of State Librarian.--~~

382 (1) ~~The officers of the State Library Council shall be a~~  
 383 ~~chair, elected from the members thereof, and the State~~  
 384 ~~Librarian, who shall serve without voting rights as secretary of~~

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385 ~~the council.~~ The State Librarian shall be appointed by the  
 386 Secretary of State, shall have completed a library school  
 387 program accredited by the American Library Association, and  
 388 shall serve as the director of the Division of Library and  
 389 Information Services of the Department of State. The Secretary  
 390 of State may, in making the appointment of State Librarian,  
 391 consult the members of the State Library Council.

392 (2) The State Librarian shall:

393 (a) Keep a record of the proceedings of the State Library  
 394 Council;

395 (b) Keep an accurate account of the financial transactions  
 396 of the division;

397 (c) Have charge of the work of the division in organizing  
 398 new libraries and improving those already established; ~~and~~

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

401 (e) Manage operations of the programs assigned by law to  
 402 the division.

403 Section 13. Section 257.12, Florida Statutes, is amended  
 404 to read:

405 257.12 Division of Library and Information Services  
 406 authorized to accept and expend federal funds.--

407 (1) The Division of Library and Information Services of  
 408 the Department of State is designated as the state library  
 409 administrative agency authorized to accept, receive, administer,  
 410 and expend any moneys, materials, or any other aid granted,  
 411 appropriated, or made available by the United States or any of

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412 its agencies for the purpose of giving aid to libraries and  
413 providing educational library service in the state.

414 (2) The division is authorized to file any accounts  
415 required by federal law or regulation with reference to  
416 receiving and administering all such moneys, materials, and  
417 other aid for said purposes; provided, however, that the  
418 acceptance of such moneys, materials, and other aid shall not  
419 deprive the state from complete control and supervision of its  
420 library.

421 Section 14. Section 257.192, Florida Statutes, is amended  
422 to read:

423 257.192 Program grants.--The Division of Library and  
424 Information Services is authorized to accept and administer  
425 appropriations for library program grants and to make such  
426 grants in accordance with the Florida long-range plan ~~program~~  
427 for library services.

428 Section 15. Subsection (2) of section 257.41, Florida  
429 Statutes, is amended to read:

430 257.41 Library cooperatives; organization; receipt of  
431 state moneys.--

432 (2) The Division of Library and Information Services of  
433 the Department of State shall establish operating standards and  
434 rules under which a library cooperative is eligible to receive  
435 state moneys. ~~The division shall issue a certificate to each~~  
436 ~~library cooperative that meets the standards and rules~~  
437 ~~established under this subsection.~~

438 Section 16. Section 257.43, Florida Statutes, is created  
439 to read:

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440        257.43 Citizen support organization; use of state  
 441 administrative services and property; audit.--

442        (1) CITIZEN SUPPORT ORGANIZATION.--The division may  
 443 support the establishment of a citizen support organization to  
 444 provide assistance, funding, and promotional support for the  
 445 library, archives, and records management programs of the  
 446 division. For the purposes of this section, a "citizen support  
 447 organization" shall mean an organization which is:

448            (a) A Florida corporation not for profit incorporated  
 449 under the provisions of chapter 617 and approved by the  
 450 Department of State.

451            (b) Organized and operated to conduct programs and  
 452 activities; raise funds; request and receive grants, gifts, and  
 453 bequests of money; acquire, receive, hold, invest, and  
 454 administer, in its own name, securities, funds, objects of  
 455 value, or other property, real or personal; and make  
 456 expenditures to or for the direct or indirect benefit of the  
 457 division or individual program units of the division.

458            (c) Determined by the division to be consistent with the  
 459 goals of the division and in the best interests of the state.

460            (d) Approved in writing by the division to operate for the  
 461 direct or indirect benefit of the division; such approval shall  
 462 be given in a letter of agreement from the division.

463        (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

464            (a) The division may fix and collect charges for the  
 465 rental of facilities and properties managed by the division and  
 466 may permit, without charge, appropriate use of administrative  
 467 services, property, and facilities of the division by a citizen

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468 support organization, subject to the provisions of this section.  
 469 Such use must be directly in keeping with the approved purposes  
 470 of the citizen support organization and may not be made at times  
 471 or places that would unreasonably interfere with opportunities  
 472 for the general public to use such facilities for established  
 473 purposes. Any moneys received from rentals of facilities and  
 474 properties managed by the division may be held in the operating  
 475 trust fund of the division or in a separate depository account  
 476 in the name of the citizen support organization and subject to  
 477 the provisions of the letter of agreement with the division.

478 (b) The division may prescribe by rule any condition with  
 479 which a citizen support organization shall comply in order to  
 480 use division administrative services, property, or facilities.

481 (c) The division shall not permit the use of any  
 482 administrative services, property, or facilities of the state by  
 483 a citizen support organization which does not provide equal  
 484 membership and employment opportunities to all persons  
 485 regardless of race, color, religion, sex, age, or national  
 486 origin.

487 (3) ANNUAL AUDIT.--The citizen support organization shall  
 488 provide for an annual financial audit in accordance with s.  
 489 215.981. The identity of donors who desire to remain anonymous  
 490 shall be confidential and exempt from the provisions of s.  
 491 119.07(1), and that anonymity shall be maintained in the  
 492 auditor's report.

493 Section 17. Subsection (1) of section 265.284, Florida  
 494 Statutes, is amended, subsection (7) is renumbered as subsection

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495 (6), and present subsection (6) of said section is amended, to  
496 read:

497 265.284 Chief cultural officer; director of division;  
498 powers and duties.--

499 (1) The Secretary of State is the ~~shall be~~ chief cultural  
500 officer of the state and the Division of Cultural Affairs is  
501 designated as the state arts administrative agency.

502 ~~(6) Subject to funding by the Legislature, there are~~  
503 ~~created the State Orchestra Program, State Dance Program, and~~  
504 ~~State Opera Program, each to be administered as part of, and~~  
505 ~~under the direct supervision of, the Division of Cultural~~  
506 ~~Affairs.~~

507 Section 18. Subsection (4) of section 265.2865, Florida  
508 Statutes, is amended to read:

509 265.2865 Florida Artists Hall of Fame.--

510 (4) ~~In the first year, the Secretary of State shall name~~  
511 ~~no more than 12 members to the Florida Artists Hall of Fame.~~  
512 ~~Thereafter,~~ The Secretary of State shall name no more than four  
513 members to the Florida Artists Hall of Fame in any one ± year.

514 Section 19. Paragraph (c) is added to subsection (4) of  
515 section 265.606, Florida Statutes, to read:

516 265.606 Cultural Endowment Program; administration;  
517 qualifying criteria; matching fund program levels;  
518 distribution.--

519 (4) Once the secretary has determined that the sponsoring  
520 organization has complied with the criteria imposed by this  
521 section, he or she may authorize the transfer of the appropriate  
522 state matching funds to the organization. However, the secretary

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523 shall ensure that the local group has made prudent arrangements  
 524 for the trusteeship of the entire endowment, and such  
 525 trusteeship is hereby created. The sponsoring organization may  
 526 then expend moneys in the endowment program fund, subject to the  
 527 following requirements:

528 (c) Any contract administered under this section shall  
 529 require the local sponsoring organization to submit to the  
 530 division an annual postaudit of its financial accounts conducted  
 531 by an independent certified public accountant.

532 Section 20. Subsection (4) of section 265.701, Florida  
 533 Statutes, is renumbered as subsection (5), and a new subsection  
 534 (4) is added to said section to read:

535 265.701 Cultural facilities; grants for acquisition,  
 536 renovation, or construction; funding; approval; allocation.--

537 (4) Any contract administered under this section shall  
 538 require the recordation of a restrictive covenant by the grantee  
 539 and property owner or the purchase of a bond as prescribed by  
 540 rule to ensure that the facility continues to be used as a  
 541 cultural facility for a period of 10 years following the grant  
 542 award. If the facility ceases to be used as a cultural facility  
 543 during the 10 years following the grant award, the grant funds  
 544 shall be repaid to the department according to an amortization  
 545 schedule set forth in rule.

546 Section 21. Subsection (8) of section 265.702, Florida  
 547 Statutes, is renumbered as subsection (9), and a new subsection  
 548 (8) is added to said section to read:

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549           265.702 Regional cultural facilities; grants for  
550 acquisition, renovation, or construction; funding; approval;  
551 allocation.--

552           (8) Any contract administered under this section shall  
553 require the recordation of a restrictive covenant by the grantee  
554 and property owner or the purchase of a bond as prescribed by  
555 rule to ensure that the facility continues to be used as a  
556 regional cultural facility for a period of 10 years following  
557 the grant award. If the facility ceases to be used as a cultural  
558 facility during the 10 years following the grant award, the  
559 grant funds shall be repaid to the department according to an  
560 amortization schedule set forth in rule.

561           Section 22. Section 265.703, Florida Statutes, is created  
562 to read:

563           265.703 Citizen support organization; use of state  
564 administrative services and property; audit.--

565           (1) CITIZEN SUPPORT ORGANIZATION.--The division may  
566 support the establishment of a citizen support organization to  
567 provide assistance, funding, and promotional support for the  
568 cultural and arts programs of the division. For the purposes of  
569 this section, a "citizen support organization" shall mean an  
570 organization which is:

571           (a) A Florida corporation not for profit incorporated  
572 under the provisions of chapter 617 and approved by the  
573 Department of State.

574           (b) Organized and operated to conduct programs and  
575 activities; raise funds; request and receive grants, gifts, and  
576 bequests of money; acquire, receive, hold, invest, and

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577 administer, in its own name, securities, funds, objects of  
 578 value, or other property, real or personal; and make  
 579 expenditures to or for the direct or indirect benefit of the  
 580 division or individual program units of the division.

581 (c) Determined by the division to be consistent with the  
 582 goals of the division and in the best interests of the state.

583 (d) Approved in writing by the division to operate for the  
 584 direct or indirect benefit of the division; such approval shall  
 585 be given in a letter of agreement from the division.

586 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

587 (a) The division may fix and collect charges for the  
 588 rental of facilities and properties managed by the division and  
 589 may permit, without charge, appropriate use of administrative  
 590 services, property, and facilities of the division by a citizen  
 591 support organization, subject to the provisions of this section.  
 592 Such use must be directly in keeping with the approved purposes  
 593 of the citizen support organization and may not be made at times  
 594 or places that would unreasonably interfere with opportunities  
 595 for the general public to use such facilities for established  
 596 purposes. Any moneys received from rentals of facilities and  
 597 properties managed by the division may be held in the operating  
 598 trust fund of the division or in a separate depository account  
 599 in the name of the citizen support organization and subject to  
 600 the provisions of the letter of agreement with the division.

601 (b) The division may prescribe by rule any condition with  
 602 which a citizen support organization shall comply in order to  
 603 use division administrative services, property, or facilities.

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604       (c) The division shall not permit the use of any  
 605 administrative services, property, or facilities of the state by  
 606 a citizen support organization which does not provide equal  
 607 membership and employment opportunities to all persons  
 608 regardless of race, color, religion, sex, age, or national  
 609 origin.

610       (3) ANNUAL AUDIT.--The citizen support organization shall  
 611 provide for an annual financial audit in accordance with s.  
 612 215.981. The identity of donors who desire to remain anonymous  
 613 shall be confidential and exempt from the provisions of s.  
 614 119.07(1), and that anonymity shall be maintained in the  
 615 auditor's report.

616       Section 23. Subsections (6) and (7) of section 267.031,  
 617 Florida Statutes, are renumbered as subsections (7) and (8),  
 618 respectively, paragraph (p) is added to subsection (5), and a  
 619 new subsection (6) is added to said section, to read:

620       267.031 Division of Historical Resources; powers and  
 621 duties.--

622       (5) It is the responsibility of the division to:

623       (p) Advise and assist, as appropriate, federal and state  
 624 agencies, local governments and organizations, and individuals  
 625 in the recognition, protection, and preservation of Florida's  
 626 archaeological sites and artifacts both directly and through a  
 627 memorandum of agreement with a network of public archaeology  
 628 centers as described in s. 267.145.

629       (6) The division may enter into a memorandum of agreement  
 630 with the University of West Florida to coordinate the  
 631 establishment and operation of a network of regional public

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632 archaeology centers to provide public outreach and assistance to  
 633 local governments in identifying, evaluating, developing, and  
 634 preserving the archaeology in their local areas and in assisting  
 635 the division in its archaeological responsibilities as outlined  
 636 in this chapter and the memorandum of agreement.

637 Section 24. Paragraph (a) of subsection (1) of section  
 638 267.0612, Florida Statutes, is amended to read:

639 267.0612 Florida Historical Commission; creation;  
 640 membership; powers and duties.--In order to enhance public  
 641 participation and involvement in the preservation and protection  
 642 of the state's historic and archaeological sites and properties,  
 643 there is created within the Department of State the "Florida  
 644 Historical Commission." The commission shall serve in an  
 645 advisory capacity to the director of the Division of Historical  
 646 Resources to assist the director in carrying out the purposes,  
 647 duties, and responsibilities of the division, as specified in  
 648 this chapter.

649 (1)(a) The commission shall be composed of 11 members.  
 650 Seven members shall be appointed by the Governor in consultation  
 651 with the Secretary of State, two members shall be appointed by  
 652 the President of the Senate, and two members shall be appointed  
 653 by the Speaker of the House of Representatives. Of the seven  
 654 members appointed by the Governor, one member must be a licensed  
 655 architect who has expertise in historic preservation and  
 656 architectural history; one member must be a professional  
 657 historian in the field of American history; one member must be a  
 658 professional architectural historian; one member must be an  
 659 archaeologist specializing in the field of prehistory; and one

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660 member must be an archaeologist specializing in the historic  
 661 period. The remaining two members appointed by the Governor and  
 662 the two members appointed by the President of the Senate and the  
 663 Speaker of the House of Representatives, respectively, must be  
 664 representatives of the general public with demonstrated interest  
 665 in the preservation of Florida's historical and archaeological  
 666 heritage. At least one member of the commission shall be a  
 667 resident of a county that has a population of 75,000 or fewer  
 668 ~~less~~. A member whose term has expired shall continue to serve on  
 669 the commission until such time as a replacement is appointed.

670 Section 25. Paragraphs (b) and (c) of subsection (1) of  
 671 section 267.0731, Florida Statutes, are amended to read:

672 267.0731 Great Floridians Program.--The division shall  
 673 establish and administer a program, to be entitled the Great  
 674 Floridians Program, which shall be designed to recognize and  
 675 record the achievements of Floridians, living and deceased, who  
 676 have made major contributions to the progress and welfare of  
 677 this state.

678 (1) The division shall nominate present or former citizens  
 679 of this state, living or deceased, who during their lives have  
 680 made major contributions to the progress of the nation or this  
 681 state and its citizens. Nominations shall be submitted to the  
 682 Secretary of State who shall select from those nominated not  
 683 less than two persons each year who shall be honored with the  
 684 designation "Great Floridian," provided no person whose  
 685 contributions have been through elected or appointed public  
 686 service shall be selected while holding any such office.

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687 (b) In formulating its nominations, the division shall  
 688 also seek the assistance of the organization ~~Museum of Florida~~  
 689 ~~History Foundation, Inc., or its successor,~~ acting in the  
 690 capacity as a citizen support organization of the division,  
 691 pursuant to s. 267.17 and approved to act on behalf of the  
 692 Museum of Florida History.

693 (c) Annually, the division shall convene an ad hoc  
 694 committee composed of representatives of the Governor, each  
 695 member of the Florida Cabinet, the President of the Senate, the  
 696 Speaker of the House of Representatives, and the organization  
 697 described in paragraph (b) ~~Museum of Florida History Foundation,~~  
 698 ~~Inc.~~ This committee shall meet at least twice. The committee  
 699 shall nominate not fewer than two persons whose names shall be  
 700 submitted to the Secretary of State with the recommendation that  
 701 they be honored with the designation "Great Floridian."

702 Section 26. Section 267.14, Florida Statutes, is amended  
 703 to read:

704 267.14 Legislative intent.--It is hereby declared to be  
 705 the public policy of the state to preserve archaeological sites  
 706 and objects of antiquity for the public benefit and to limit  
 707 exploration, excavation, and collection of such matters to  
 708 qualified persons and educational institutions possessing the  
 709 requisite skills and purpose to add to the general store of  
 710 knowledge concerning history, archaeology, and anthropology. It  
 711 is further declared to be the public policy of the state to  
 712 provide public outreach and assistance to local governments in  
 713 identifying, evaluating, developing, and preserving the  
 714 archaeology in their local areas through the establishment of a

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715 network of regional public archaeology centers. It is further  
 716 declared to be the public policy of the state that field  
 717 investigation activities on privately owned lands should be  
 718 discouraged except in accordance with both the provisions and  
 719 spirit of ss. 267.11-267.145 ~~267.11-267.14~~; and persons having  
 720 knowledge of the location of archaeological sites are encouraged  
 721 to communicate such information to the division.

722 Section 27. Section 267.145, Florida Statutes, is created  
 723 to read:

724 267.145 Florida network of public archaeology centers.--

725 (1) The Department of State shall create, through a  
 726 memorandum of agreement, a Florida network of public archaeology  
 727 centers to help stem the rapid deterioration of this state's  
 728 buried past and to expand public interest in archaeology. The  
 729 network of public archaeology centers shall work in cooperation  
 730 with the State Historic Preservation Officer and the division  
 731 through the memorandum of agreement.

732 (2) The network of public archaeology centers shall be  
 733 administered through a public archaeology center at the  
 734 University of West Florida. Additional centers shall be  
 735 established throughout the state with each center located in an  
 736 existing facility, free of charge, of a state university with a  
 737 local archaeological program, a regional historic preservation  
 738 office, a nonprofit organization that is involved in the  
 739 archaeology of the region, or other locations as set forth in  
 740 the memorandum of agreement.

741 Section 28. Subsections (3) and (4) of section 267.16,  
 742 Florida Statutes, are renumbered as subsections (4) and (5),

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743 respectively, and subsection (3) of said section is amended to  
744 read:

745 267.16 Florida Folklife Programs.--It is the duty and  
746 responsibility of the division to:

747 ~~(3) Use the facilities at the Stephen Foster State Folk~~  
748 ~~Culture Center as the primary location of the annual Florida~~  
749 ~~Folk Festival.~~

750 Section 29. Section 288.0251, Florida Statutes, is amended  
751 to read:

752 288.0251 International development outreach activities in  
753 Latin America and Caribbean Basin.--The Office of Tourism,  
754 Trade, and Economic Development ~~Department of State~~ may contract  
755 for the implementation of Florida's international volunteer  
756 corps to provide short-term training and technical assistance  
757 activities in Latin America and the Caribbean Basin. The entity  
758 contracted under this section must require that such activities  
759 be conducted by qualified volunteers who are citizens of the  
760 state. The contracting agency must have a statewide focus and  
761 experience in coordinating international volunteer programs.

762 Section 30. Subsections (1), (2), and (3) of section  
763 288.809, Florida Statutes, are amended to read:

764 288.809 Florida Intergovernmental Relations Foundation;  
765 use of property; board of directors; audit.--

766 (1) DEFINITIONS.--For the purposes of this section, the  
767 term:

768 (a) "Florida Intergovernmental Relations Foundation" means  
769 a direct-support organization:

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770 1. Which is a corporation not for profit that is  
771 incorporated under the provisions of chapter 617 and approved by  
772 the Department of State;

773 2. Which is organized and operated exclusively to solicit,  
774 receive, hold, invest, and administer property and, subject to  
775 the approval of the Office of Tourism, Trade, and Economic  
776 Development ~~Department of State~~, to make expenditures to or for  
777 the promotion of intergovernmental relations programs; and

778 3. Which the Office of Tourism, Trade, and Economic  
779 Development ~~Department of State~~, after review, has certified to  
780 be operating in a manner consistent with the policies and goals  
781 of the office ~~department~~.

782 (b) "Personal services" includes full-time or part-time  
783 personnel, as well as payroll processing.

784 (2) USE OF PROPERTY.--The Office of Tourism, Trade, and  
785 Economic Development ~~department~~:

786 (a) Is authorized to permit the use of property,  
787 facilities, and personal services of the Office of Tourism,  
788 Trade, and Economic Development ~~department~~ by the foundation,  
789 subject to the provisions of this section.

790 (b) Shall prescribe conditions with which the foundation  
791 must comply in order to use property, facilities, or personal  
792 services of the Office of Tourism, Trade, and Economic  
793 Development ~~department~~. Such conditions shall provide for budget  
794 and audit review and for oversight by the Office of Tourism,  
795 Trade, and Economic Development ~~department~~.

796 (c) Shall not permit the use of property, facilities, or  
797 personal services of the foundation if the foundation does not

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798 provide equal employment opportunities to all persons,  
799 regardless of race, color, national origin, sex, age, or  
800 religion.

801 (3) BOARD OF DIRECTORS.--The board of directors of the  
802 foundation shall be composed of seven members appointed by the  
803 Governor ~~Secretary of State~~, of whom no more than three shall be  
804 employees or elected officials of the state.

805 Section 31. Section 288.816, Florida Statutes, is amended  
806 to read:

807 288.816 Intergovernmental relations.--

808 (1) The Office of Tourism, Trade, and Economic Development  
809 ~~Secretary of State~~ shall be responsible for consular operations  
810 and the sister city and sister state program and shall serve as  
811 liaison with foreign, federal, and other state international  
812 organizations and with county and municipal governments in  
813 Florida.

814 (2) The Office of Tourism, Trade, and Economic Development  
815 ~~secretary~~ shall be responsible for all consular relations  
816 between the state and all foreign governments doing business in  
817 Florida. The office ~~secretary~~ shall monitor United States laws  
818 and directives to ensure that all federal treaties regarding  
819 foreign privileges and immunities are properly observed. The  
820 office ~~secretary~~ shall promulgate rules which shall:

821 (a) Establish a viable system of registration for foreign  
822 government officials residing or having jurisdiction in the  
823 state. Emphasis shall be placed on maintaining active  
824 communication between the Office of Tourism, Trade, and Economic  
825 Development ~~secretary~~ and the United States Department of State

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826 | in order to be currently informed regarding foreign governmental  
827 | personnel stationed in, or with official responsibilities for,  
828 | Florida. Active dialogue shall also be maintained with foreign  
829 | countries which historically have had dealings with Florida in  
830 | order to keep them informed of the proper procedure for  
831 | registering with the state.

832 |         (b) Maintain and systematically update a current and  
833 | accurate list of all such foreign governmental officials,  
834 | consuls, or consulates.

835 |         (c) Issue certificates to such foreign governmental  
836 | officials after verification pursuant to proper investigations  
837 | through United States Department of State sources and the  
838 | appropriate foreign government.

839 |         (d) Verify entitlement to sales and use tax exemptions  
840 | pursuant to United States Department of State guidelines and  
841 | identification methods.

842 |         (e) Verify entitlement to issuance of special motor  
843 | vehicle license plates by the Division of Motor Vehicles of the  
844 | Department of Highway Safety and Motor Vehicles to honorary  
845 | consuls or such other officials representing foreign governments  
846 | who are not entitled to issuance of special Consul Corps license  
847 | plates by the United States Government.

848 |         (f) Establish a system of communication to provide all  
849 | state and local law enforcement agencies with information  
850 | regarding proper procedures relating to the arrest or  
851 | incarceration of a foreign citizen.

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852 (g) Request the Department of Law Enforcement to provide  
853 transportation and protection services when necessary pursuant  
854 to s. 943.68.

855 (h) Coordinate, when necessary, special activities between  
856 foreign governments and Florida state and local governments.  
857 These may include Consular Corps Day, Consular Corps  
858 conferences, and various other social, cultural, or educational  
859 activities.

860 (i) Notify all newly arrived foreign governmental  
861 officials of the services offered by the Office of Tourism,  
862 Trade, and Economic Development ~~secretary~~.

863 (3) The Office of Tourism, Trade, and Economic Development  
864 ~~Secretary of State~~ shall operate the sister city and sister  
865 state program and establish such new programs as needed to  
866 further global understanding through the interchange of people,  
867 ideas, and culture between Florida and the world. To accomplish  
868 this purpose, the office ~~secretary~~ shall have the power and  
869 authority to:

870 (a) Coordinate and carry out activities designed to  
871 encourage the state and its subdivisions to participate in  
872 sister city and sister state affiliations with foreign countries  
873 and their subdivisions. Such activities may include a State of  
874 Florida sister cities conference.

875 (b) Encourage cooperation with and disseminate information  
876 pertaining to the Sister Cities International Program and any  
877 other program whose object is to promote linkages with foreign  
878 countries and their subdivisions.

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879 (c) Maximize any aid available from all levels of  
880 government, public and private agencies, and other entities to  
881 facilitate such activities.

882 (d) Establish a viable system of registration for sister  
883 city and sister state affiliations between the state and foreign  
884 countries and their subdivisions. Such system shall include a  
885 method to determine that sufficient ties are properly  
886 established as well as a method to supervise how these ties are  
887 maintained.

888 (e) Maintain a current and accurate listing of all such  
889 affiliations. Sister city affiliations shall not be discouraged  
890 between the state and any country specified in s. 620(f)(1) of  
891 the federal Foreign Assistance Act of 1961, as amended, with  
892 whom the United States is currently conducting diplomatic  
893 relations unless a mandate from the United States Government  
894 expressly prohibits such affiliations.

895 (4) The Office of Tourism, Trade, and Economic Development  
896 ~~Secretary of State~~ shall serve as a contact for the state with  
897 the Florida Washington Office, the Florida Congressional  
898 Delegation, and United States Government agencies with respect  
899 to laws or policies which may affect the interests of the state  
900 in the area of international relations. All inquiries received  
901 regarding international economic trade development or reverse  
902 investment opportunities shall be referred to Enterprise  
903 Florida, Inc. In addition, the office ~~secretary~~ shall serve as  
904 liaison with other states with respect to international programs  
905 of interest to Florida. The office ~~secretary~~ shall also

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906 investigate and make suggestions regarding possible areas of  
907 joint action or regional cooperation with these states.

908 (5) The Office of Tourism, Trade, and Economic Development  
909 ~~Secretary of State~~ shall have the power and duty to encourage  
910 the relocation to Florida of consular offices and multilateral  
911 and international agencies and organizations.

912 (6) The Office of Tourism, Trade, and Economic Development  
913 ~~Secretary of State~~, through membership on the board of directors  
914 of Enterprise Florida, Inc., shall help to contribute an  
915 international perspective to the state's development efforts.

916 Section 32. Subsection (1) of section 288.8175, Florida  
917 Statutes, is amended to read:

918 288.8175 Linkage institutes between postsecondary  
919 institutions in this state and foreign countries.--

920 (1) As used in this section, the term "department" means  
921 the Department of Education State.

922 Section 33. Subsection (9) and paragraph (b) of subsection  
923 (15) of section 440.02, Florida Statutes, are amended to read:

924 440.02 Definitions.--When used in this chapter, unless the  
925 context clearly requires otherwise, the following terms shall  
926 have the following meanings:

927 (9) "Corporate officer" or "officer of a corporation"  
928 means any person who fills an office provided for in the  
929 corporate charter or articles of incorporation filed with the  
930 Division of State Recordings Corporations of the Department of  
931 State or as permitted or required by chapter 607. As to persons  
932 engaged in the construction industry, the term "officer of a  
933 corporation" includes a member owning at least 10 percent of a

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934 | limited liability company created and approved under chapter  
935 | 608.

936 | (15)

937 | (b) "Employee" includes any person who is an officer of a  
938 | corporation and who performs services for remuneration for such  
939 | corporation within this state, whether or not such services are  
940 | continuous.

941 | 1. Any officer of a corporation may elect to be exempt  
942 | from this chapter by filing written notice of the election with  
943 | the department as provided in s. 440.05.

944 | 2. As to officers of a corporation who are engaged in the  
945 | construction industry, no more than three officers of a  
946 | corporation or of any group of affiliated corporations may elect  
947 | to be exempt from this chapter by filing written notice of the  
948 | election with the department as provided in s. 440.05. Officers  
949 | must be shareholders, each owning at least 10 percent of the  
950 | stock of such corporation and listed as an officer of such  
951 | corporation with the Division of State Recordings ~~Corporations~~  
952 | of the Department of State, in order to elect exemptions under  
953 | this chapter. For purposes of this subparagraph, the term  
954 | "affiliated" means and includes one or more corporations or  
955 | entities, any one of which is a corporation engaged in the  
956 | construction industry, under the same or substantially the same  
957 | control of a group of business entities which are connected or  
958 | associated so that one entity controls or has the power to  
959 | control each of the other business entities. The term  
960 | "affiliated" includes, but is not limited to, the officers,  
961 | directors, executives, shareholders active in management,

962 employees, and agents of the affiliated corporation. The  
 963 ownership by one business entity of a controlling interest in  
 964 another business entity or a pooling of equipment or income  
 965 among business entities shall be prima facie evidence that one  
 966 business is affiliated with the other.

967 3. An officer of a corporation who elects to be exempt  
 968 from this chapter by filing a written notice of the election  
 969 with the department as provided in s. 440.05 is not an employee.

970  
 971 Services are presumed to have been rendered to the corporation  
 972 if the officer is compensated by other than dividends upon  
 973 shares of stock of the corporation which the officer owns.

974 Section 34. Subsections (3) and (11) of section 440.05,  
 975 Florida Statutes, are amended to read:

976 440.05 Election of exemption; revocation of election;  
 977 notice; certification.--

978 (3) Each officer of a corporation who is engaged in the  
 979 construction industry and who elects an exemption from this  
 980 chapter or who, after electing such exemption, revokes that  
 981 exemption, must mail a written notice to such effect to the  
 982 department on a form prescribed by the department. The notice of  
 983 election to be exempt from the provisions of this chapter must  
 984 be notarized and under oath. The notice of election to be exempt  
 985 which is submitted to the department by the officer of a  
 986 corporation who is allowed to claim an exemption as provided by  
 987 this chapter must list the name, federal tax identification  
 988 number, social security number, all certified or registered  
 989 licenses issued pursuant to chapter 489 held by the person

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990 seeking the exemption, a copy of relevant documentation as to  
 991 employment status filed with the Internal Revenue Service as  
 992 specified by the department, a copy of the relevant occupational  
 993 license in the primary jurisdiction of the business, and the  
 994 registration number of the corporation filed with the Division  
 995 of State Recordings ~~Corporations~~ of the Department of State  
 996 along with a copy of the stock certificate evidencing the  
 997 required ownership under this chapter. The notice of election to  
 998 be exempt must identify each corporation that employs the person  
 999 electing the exemption and must list the social security number  
 1000 or federal tax identification number of each such employer and  
 1001 the additional documentation required by this section. In  
 1002 addition, the notice of election to be exempt must provide that  
 1003 the officer electing an exemption is not entitled to benefits  
 1004 under this chapter, must provide that the election does not  
 1005 exceed exemption limits for officers provided in s. 440.02, and  
 1006 must certify that any employees of the corporation whose officer  
 1007 elects an exemption are covered by workers' compensation  
 1008 insurance. Upon receipt of the notice of the election to be  
 1009 exempt, receipt of all application fees, and a determination by  
 1010 the department that the notice meets the requirements of this  
 1011 subsection, the department shall issue a certification of the  
 1012 election to the officer, unless the department determines that  
 1013 the information contained in the notice is invalid. The  
 1014 department shall revoke a certificate of election to be exempt  
 1015 from coverage upon a determination by the department that the  
 1016 person does not meet the requirements for exemption or that the  
 1017 information contained in the notice of election to be exempt is

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1018 | invalid. The certificate of election must list the name of the  
 1019 | corporation listed in the request for exemption. A new  
 1020 | certificate of election must be obtained each time the person is  
 1021 | employed by a new or different corporation that is not listed on  
 1022 | the certificate of election. A copy of the certificate of  
 1023 | election must be sent to each workers' compensation carrier  
 1024 | identified in the request for exemption. Upon filing a notice of  
 1025 | revocation of election, an officer who is a subcontractor or an  
 1026 | officer of a corporate subcontractor must notify her or his  
 1027 | contractor. Upon revocation of a certificate of election of  
 1028 | exemption by the department, the department shall notify the  
 1029 | workers' compensation carriers identified in the request for  
 1030 | exemption.

1031 |         (11) Any corporate officer permitted by this chapter to  
 1032 | claim an exemption must be listed on the records of this state's  
 1033 | Secretary of State, Division of State Recordings Corporations,  
 1034 | as a corporate officer. The department shall issue a stop-work  
 1035 | order under s. 440.107(1) to any corporation who employs a  
 1036 | person who claims to be exempt as a corporate officer but who  
 1037 | fails or refuses to produce the documents required under this  
 1038 | subsection to the department within 3 business days after the  
 1039 | request is made.

1040 |         Section 35. Subsection (4) of section 607.0401, Florida  
 1041 | Statutes, is amended to read:

1042 |             607.0401 Corporate name.--A corporate name:

1043 |             (4) Must be distinguishable from the names of all other  
 1044 | entities or filings, except fictitious name registrations  
 1045 | pursuant to s. 865.09, organized, registered, or reserved under

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1046 | the laws of this state, which names are on file with the  
1047 | Division of State Recordings Corporations.

1048 |       Section 36. Paragraph (b) of subsection (1) and subsection  
1049 | (2) of section 607.1506, Florida Statutes, are amended to read:

1050 |       607.1506 Corporate name of foreign corporation.--

1051 |       (1) A foreign corporation is not entitled to file an  
1052 | application for a certificate of authority unless the corporate  
1053 | name of such corporation satisfies the requirements of s.  
1054 | 607.0401. If the corporate name of a foreign corporation does  
1055 | not satisfy the requirements of s. 607.0401, the foreign  
1056 | corporation, to obtain or maintain a certificate of authority to  
1057 | transact business in this state:

1058 |       (b) May use an alternate name to transact business in this  
1059 | state if its real name is unavailable. Any such alternate  
1060 | corporate name, adopted for use in this state, shall be cross-  
1061 | referenced to the real corporate name in the records of the  
1062 | Division of State Recordings Corporations. If the corporation's  
1063 | real corporate name becomes available in this state or the  
1064 | corporation chooses to change its alternate name, a copy of the  
1065 | resolution of its board of directors changing or withdrawing the  
1066 | alternate name, executed as required by s. 607.0120, shall be  
1067 | delivered for filing.

1068 |       (2) The corporate name (including the alternate name) of a  
1069 | foreign corporation must be distinguishable upon the records of  
1070 | the Division of State Recordings Corporations from:

1071 |       (a) Any corporate name of a corporation incorporated or  
1072 | authorized to transact business in this state;

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1073 (b) The alternate name of another foreign corporation  
1074 authorized to transact business in this state;

1075 (c) The corporate name of a not-for-profit corporation  
1076 incorporated or authorized to transact business in this state;  
1077 and

1078 (d) The names of all other entities or filings, except  
1079 fictitious name registrations pursuant to s. 865.09, organized  
1080 or registered under the laws of this state that are on file with  
1081 the Division of State Recordings Corporations.

1082 Section 37. Paragraph (e) of subsection (1) of section  
1083 617.0401, Florida Statutes, is amended to read:

1084 617.0401 Corporate name.--

1085 (1) A corporate name:

1086 (e) Must be distinguishable from the names of all other  
1087 entities or filings, except fictitious name registrations  
1088 pursuant to s. 865.09, organized, registered, or reserved under  
1089 the laws of this state, that are on file with the Division of  
1090 State Recordings Corporations.

1091 Section 38. Subsections (2) and (4) of section 617.1506,  
1092 Florida Statutes, are amended to read:

1093 617.1506 Corporate name of foreign corporation.--

1094 (2) The corporate name, including the alternate name, of a  
1095 foreign corporation must be distinguishable, within the records  
1096 of the Division of State Recordings Corporations, from:

1097 (a) The alternate name of another foreign corporation  
1098 authorized to transact business in this state.

1099 (b) The corporate name of a not-for-profit corporation  
1100 incorporated or authorized to transact business in this state.

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1101 (c) The names of all other entities or filings, except  
 1102 fictitious name registrations pursuant to s. 865.09, organized,  
 1103 or registered under the laws of this state, that are on file  
 1104 with the Division of State Recordings ~~Corporations~~.

1105 (4) The corporate name must be distinguishable from the  
 1106 names of all other entities or filings, organized, registered,  
 1107 or reserved under the laws of the state that are on file with  
 1108 the Division of State Recordings ~~Corporations~~, except fictitious  
 1109 name registrations pursuant to s. 865.09.

1110 Section 39. Subsection (3) of section 620.103, Florida  
 1111 Statutes, is amended to read:

1112 620.103 Name of limited partnership.--The name of each  
 1113 domestic limited partnership as set forth in its certificate of  
 1114 limited partnership and the name of each foreign limited  
 1115 partnership as set forth in its application for registration as  
 1116 a foreign limited partnership:

1117 (3) Must be distinguishable from the names of all other  
 1118 entities or filings, except fictitious name registrations  
 1119 pursuant to s. 865.09, organized, registered, or reserved under  
 1120 the laws of this state, the names of which are on file with the  
 1121 Division of State Recordings ~~Corporations~~ of the Department of  
 1122 State.

1123 Section 40. Paragraph (c) of subsection (2) of section  
 1124 865.09, Florida Statutes, is amended to read:

1125 865.09 Fictitious name registration.--

1126 (2) DEFINITIONS.--As used in this section:

1127 (c) "Division" means the Division of State Recordings  
 1128 ~~Corporations~~ of the Department of State.

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1129           Section 41. The following programs, functions, and  
 1130 activities are hereby transferred by a type two transfer, as  
 1131 defined in s. 20.06(2), Florida Statutes, from the Department of  
 1132 State to the Office of Tourism, Trade, and Economic Development  
 1133 within the Executive Office of the Governor:

1134           (1) The provision of assistance and facilities to the  
 1135 Organization of American States, as authorized and governed by  
 1136 s. 15.17, Florida Statutes, as that section existed on June 30,  
 1137 2004.

1138           (2) State protocol officer functions, as authorized and  
 1139 governed by s. 15.19, Florida Statutes, as that section existed  
 1140 on June 30, 2004.

1141           (3) International development outreach activities in Latin  
 1142 America and the Caribbean Basin, as authorized and governed by  
 1143 s. 288.0251, Florida Statutes.

1144           (4) The Florida Intergovernmental Relations Foundation, as  
 1145 authorized and governed by s. 288.809, Florida Statutes.

1146           (5) Intergovernmental relations functions, as authorized  
 1147 and governed by s. 288.816, Florida Statutes.

1148  
 1149 Notwithstanding s. 20.06(2), Florida Statutes, trust funds  
 1150 associated with these programs, functions, and activities shall  
 1151 remain within the Department of State.

1152           Section 42. Linkage institutes between postsecondary  
 1153 institutions in this state and foreign countries, as authorized  
 1154 and governed by s. 288.8175, Florida Statutes, are hereby  
 1155 transferred by a type two transfer, as defined in s. 20.06(2),  
 1156 Florida Statutes, from the Department of State to the Department

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1157 | of Education. Notwithstanding s. 20.06(2), Florida Statutes,  
1158 | trust funds associated with these institutes shall remain within  
1159 | the Department of State.

1160 |       Section 43. Sections 15.0913, 15.17, 15.19, 265.51,  
1161 | 265.52, 265.53, 265.54, 265.55, and 265.56, Florida Statutes,  
1162 | are repealed.

1163 |       Section 44. This act shall take effect July 1, 2004.