

By Senator Wise

5-867-04

1 A bill to be entitled
2 An act relating to the Department of State;
3 amending s. 20.04, F.S.; authorizing
4 nonstandard internal structuring of the
5 department; amending s. 20.10, F.S.;
6 reorganizing the department; providing for an
7 assistant Secretary of State and deputy
8 secretaries of state; deleting existing
9 divisions of the department and creating
10 offices as internal subdivisions and providing
11 their responsibilities; amending ss. 15.09,
12 15.16, 15.18, 15.21, 17.27, 20.121, 23.22,
13 28.30, 97.021, 97.026, 97.053, 98.081, 98.0979,
14 98.101, 98.461, 99.097, 100.371, 101.015,
15 101.017, 101.293, 101.294, 101.545, 101.5608,
16 101.5614, 101.694, 101.732, 101.733, 102.111,
17 102.141, 105.031, 105.035, 105.036, 105.041,
18 106.011, 106.021, 106.03, 106.04, 106.06,
19 106.07, 106.11, 106.141, 106.1475, 106.22,
20 106.23, 106.24, 106.25, 106.26, 106.29, 106.33,
21 106.35, 119.01, 119.041, 119.05, 119.09,
22 120.55, 193.505, 196.1997, 196.1998, 215.20,
23 253.025, 253.027, 257.01, 257.02, 257.031,
24 257.04, 257.05, 257.12, 257.14, 257.15, 257.16,
25 257.171, 257.172, 257.18, 257.191, 257.192,
26 257.193, 257.195, 257.22, 257.23, 257.24,
27 257.30, 257.34, 257.35, 257.36, 257.37,
28 257.375, 257.41, 257.42, 258.007, 258.501,
29 259.035, 259.037, 260.0142, 265.283, 265.284,
30 265.286, 265.2861, 265.2862, 265.2865, 265.603,
31 265.606, 265.608, 265.609, 265.701, 265.702,

1 267.021, 267.031,267.061, 267.0612, 267.0617,
2 267.0619, 267.062, 267.071, 267.072, 267.0731,
3 267.074, 267.0743, 267.075, 267.081, 267.11,
4 267.115, 267.12, 267.13, 267.135, 267.14,
5 267.16, 267.161, 267.17, 267.173, 286.001,
6 380.06, 380.061, 380.285, 403.941, 403.9411,
7 413.011, 445.004, 468.401, 561.01, 872.02,
8 872.05, 943.1728, 1004.51, 1004.52, 1004.94,
9 1013.64, F.S., to conform; creating s. 257.015,
10 F.S.; providing definitions applicable to
11 public libraries and state archives; repealing
12 ss. 265.51, 265.52, 265.53, 265.54, 265.55,
13 265.56, F.S., relating to authority of the
14 department to enter indemnity agreements;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 20.04, Florida Statutes, is amended
20 to read:

21 20.04 Structure of executive branch.--The executive
22 branch of state government is structured as follows:

23 (1) The department is the principal administrative
24 unit of the executive branch. Each department must bear a
25 title beginning with the words "State of Florida" and
26 continuing with "Department of"

27 (2) For field operations, departments may establish
28 district or area offices that combine division, bureau,
29 section, and subsection functions.

30 (3) For their internal structure, all departments,
31 except for the Department of Financial Services, the

1 Department of Children and Family Services, the Department of
2 Corrections, the Department of Management Services, the
3 Department of Revenue, the Department of State, and the
4 Department of Transportation, must adhere to the following
5 standard terms:

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

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

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

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

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

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

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

25 (7)~~(6)~~ Within the Department of Transportation the
26 principal policy and program development unit of the
27 department is the "office." Each "office" is headed by a
28 director.

29 (8)~~(7)~~(a) Unless specifically authorized by law, the
30 head of a department may not reallocate duties and functions
31 specifically assigned by law to a specific unit of the

1 department. Those functions or agencies assigned generally to
2 the department without specific designation to a unit of the
3 department may be allocated and reallocated to a unit of the
4 department at the discretion of the head of the department.

5 (b) Within the limitations of this subsection, the
6 head of the department may recommend the establishment of
7 additional divisions, bureaus, sections, and subsections of
8 the department to promote efficient and effective operation of
9 the department. However, additional divisions, or offices in
10 the Department of Children and Family Services, the Department
11 of Corrections, and the Department of Transportation, may be
12 established only by specific statutory enactment. New bureaus,
13 sections, and subsections of departments may be initiated by a
14 department and established as recommended by the Department of
15 Management Services and approved by the Executive Office of
16 the Governor, or may be established by specific statutory
17 enactment.

18 (c) For the purposes of such recommendations and
19 approvals, the Department of Management Services and the
20 Executive Office of the Governor, respectively, must adopt and
21 apply specific criteria for assessing the appropriateness of
22 all reorganization requests from agencies. The criteria must
23 be applied to future agency requests for reorganization and
24 must be used to review the appropriateness of bureaus
25 currently in existence. Any current bureau that does not meet
26 the criteria for a bureau must be reorganized into a section
27 or other appropriate unit.

28 (9)~~(8)~~ The Executive Office of the Governor must
29 maintain a current organizational chart of each agency of the
30 executive branch, which must identify all divisions, bureaus,
31 units, and subunits of the agency. Agencies must submit such

1 organizational charts in accordance with guidelines
2 established by the Executive Office of the Governor.

3 Section 2. Section 20.10, Florida Statutes, is amended
4 to read:

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

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

13 (2) The Secretary of State shall appoint an assistant
14 secretary and deputy secretaries, who shall serve at the
15 pleasure of the secretary:

16 (a) The Assistant Secretary of State shall act in the
17 absence of the secretary, is directly responsible to the
18 secretary, and shall perform such duties as are assigned by
19 the secretary.

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

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

28 (3) The secretary may appoint deputies and directors
29 who serve at his or her pleasure. The secretary may delegate
30 to those deputies or directors responsibilities, as

31

1 appropriate, for the management, policy formulation, and
2 functioning of department programs.

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

7 (b) The following programs and offices are
8 established:

- 9 1. Art and History Programs Office.
- 10 2. Historic Preservation Programs Office.
- 11 3. Community Grants Services Office.
- 12 4. Corporations and Business Filings Office.
- 13 5. Elections Office.
- 14 6. State Library, Archives, and Records Services
15 Office.
- 16 7. Administrative Support Services Office.
- 17 8. Central Computing Support Services Office.

18 ~~(2) The following divisions of the Department of State~~
19 ~~are established:~~

- 20 ~~(a) Division of Elections.~~
- 21 ~~(b) Division of Historical Resources.~~
- 22 ~~(c) Division of Corporations.~~
- 23 ~~(d) Division of Library and Information Services.~~
- 24 ~~(e) Division of Cultural Affairs.~~
- 25 ~~(f) Division of Administration.~~

26 (5)(3) The Department of State may adopt rules
27 pursuant to ss. 120.536(1) and 120.54 to administer the
28 provisions of law conferring duties upon the department.

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

31 15.09 Fees.--

1 (4) All funds collected by the ~~Division of~~
2 Corporations and Business Filings Office of the department
3 shall be deposited in the General Revenue Fund.

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

6 15.16 Reproduction of records; admissibility in
7 evidence; electronic receipt and transmission of records;
8 certification; acknowledgment.--

9 (3) The Department of State may cause to be received
10 electronically any records that are required to be filed with
11 it ~~pursuant to chapter 55, chapter 606, chapter 607, chapter~~
12 ~~608, chapter 617, chapter 620, chapter 621, chapter 679,~~
13 ~~chapter 713, or chapter 865,~~through facsimile or other
14 electronic transfers, for the purpose of filing such records.
15 The originals of all such electronically transmitted records
16 must be executed in the manner provided in paragraph (5)(b).
17 The receipt of such electronic transfer constitutes delivery
18 to the department as required by law.

19 Section 5. Section 15.18, Florida Statutes, is amended
20 to read:

21 15.18 International and cultural relations.--The
22 various offices ~~Divisions of Cultural Affairs, Historical~~
23 ~~Resources, and Library and Information Services~~ of the
24 Department of State promote programs having substantial
25 cultural, artistic, and indirect economic significance that
26 emphasize American creativity. The Secretary of State, as the
27 head administrator of these offices ~~divisions~~, shall hereafter
28 be known as "Florida's Chief Cultural Officer." As this
29 officer, the Secretary of State is encouraged to initiate and
30 develop relationships between the state and foreign cultural
31 officers, their representatives, and other foreign

1 governmental officials in order to promote Florida as the
2 center of American creativity. The Secretary of State shall
3 coordinate international activities pursuant to this section
4 with Enterprise Florida, Inc., and any other organization the
5 secretary deems appropriate. For the accomplishment of this
6 purpose, the Secretary of State shall have the power and
7 authority to:

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

10 (2) Plan and carry out activities designed to cause
11 improved cultural and governmental programs and exchanges with
12 foreign countries.

13 (3) Plan and implement cultural and social activities
14 for visiting foreign heads of state, diplomats, dignitaries,
15 and exchange groups.

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

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

22 (6) Provide, arrange, and make expenditures for the
23 achievement of any or all of the purposes specified in this
24 section.

25 (7) Notwithstanding the provisions of part I of
26 chapter 287, promulgate rules for entering into contracts
27 which are primarily for promotional services and events, which
28 may include commodities involving a service. Such rules shall
29 include the authority to negotiate costs with the offerors of
30 such services and commodities who have been determined to be
31 qualified on the basis of technical merit, creative ability,

1 and professional competency. The rules shall only apply to the
2 expenditure of funds donated for promotional services and
3 events. Expenditures of appropriated funds shall be made only
4 in accordance with part I of chapter 287.

5 Section 6. Section 15.21, Florida Statutes, is amended
6 to read:

7 15.21 Initiative petitions; s. 3, Art. XI, State
8 Constitution.--The Secretary of State shall immediately submit
9 an initiative petition to the Attorney General and to the
10 Revenue Estimating Conference if the sponsor has:

11 (1) Registered as a political committee pursuant to s.
12 106.03;

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

16 (3) Obtained a letter from the Department of State
17 ~~Division of Elections~~ confirming that the sponsor has
18 submitted to the appropriate supervisors for verification, and
19 the supervisors have verified, forms signed and dated equal to
20 10 percent of the number of electors statewide and in at least
21 one-fourth of the congressional districts required by s. 3,
22 Art. XI of the State Constitution.

23 Section 7. Subsection (1) of section 17.27, Florida
24 Statutes, is amended to read:

25 17.27 Microfilming and destroying records and
26 correspondence.--

27 (1) The Department of Financial Services may destroy
28 general correspondence files and also any other records which
29 the department may deem no longer necessary to preserve in
30 accordance with retention schedules and destruction notices
31 established under rules of the Office of State Library,

1 Archives, and Records ~~Division of Library and Information~~
2 Services, records and information management program, of the
3 Department of State. Such schedules and notices relating to
4 financial records of the department shall be subject to the
5 approval of the Auditor General.

6 Section 8. Paragraph (f) of subsection (3) of section
7 20.121, Florida Statutes, is amended to read:

8 20.121 Department of Financial Services.--There is
9 created a Department of Financial Services.

10 (3) FINANCIAL SERVICES COMMISSION.--Effective January
11 7, 2003, there is created within the Department of Financial
12 Services the Financial Services Commission, composed of the
13 Governor, the Attorney General, the Chief Financial Officer,
14 and the Commissioner of Agriculture, which shall for purposes
15 of this section be referred to as the commission. Commission
16 members shall serve as agency head of the Financial Services
17 Commission. The commission shall be a separate budget entity
18 and shall be exempt from the provisions of s. 20.052.

19 Commission action shall be by majority vote consisting of at
20 least three affirmative votes. The commission shall not be
21 subject to control, supervision, or direction by the
22 Department of Financial Services in any manner, including
23 purchasing, transactions involving real or personal property,
24 personnel, or budgetary matters.

25 (f) Records retention schedules.--The commission and
26 the offices may destroy general correspondence files and also
27 any other records that they deem no longer necessary to
28 preserve in accordance with retention schedules and
29 destruction notices established under rules of the Office of
30 State Library, Archives, and Records ~~Division of Library and~~
31 ~~Information~~ Services, records and information management

1 program, of the Department of State. Such schedules and
2 notices relating to financial records of the commission and
3 offices shall be subject to the approval of the Auditor
4 General.

5 Section 9. Paragraph (f) of subsection (1) of section
6 23.22, Florida Statutes, is amended to read:

7 23.22 Paperwork reduction; activities of
8 departments.--

9 (1) In order to reduce the amount of paperwork
10 associated with the collection of information from
11 individuals, private-sector organizations, and local
12 governments and to provide more efficient and effective
13 assistance to such individuals and organizations in completing
14 necessary paperwork required by the government, each
15 department head shall, to the extent feasible:

16 (f) Collaborate with the Office of State Library,
17 Archives, and Records ~~Division of Library and Information~~
18 Services, pursuant to s. 119.09, to identify and index records
19 retention requirements placed on private-sector organizations
20 and local governments in Florida, clarify and reduce the
21 requirements, and educate the affected entities through
22 various communications media, including voice, data, video,
23 radio, and image.

24 Section 10. Subsections (2) and (4) of section 28.30,
25 Florida Statutes, are amended to read:

26 28.30 Records; destruction; reproduction; electronic
27 recordkeeping.--

28 (2) The clerk of the circuit court of each county of
29 the state is authorized to destroy and dispose of public
30 records pursuant to the rules adopted by the Office of State
31 Library, Archives, and Records ~~Division of Library and~~

1 ~~Information~~ Services of the Department of State pursuant to s.
2 257.36.

3 (4) The clerk of the circuit court shall follow
4 procedures for electronic recordkeeping in accordance with
5 rules adopted by the Office of State Library, Archives, and
6 Records ~~Division of Library and Information~~ Services of the
7 Department of State.

8 Section 11. Subsection (6) of section 97.021, Florida
9 Statutes, is amended to read:

10 97.021 Definitions.--For the purposes of this code,
11 except where the context clearly indicates otherwise, the
12 term:

13 (6) "Office" ~~"Division"~~ means the ~~Division of~~
14 Elections Office of the Department of State.

15 Section 12. Effective upon the effective date of
16 section 97.026, Florida Statutes, under section 22, chapter
17 2002-281, Laws of Florida, section 97.026, Florida Statutes,
18 is amended to read:

19 97.026 Forms to be available in alternative formats
20 and via the Internet.--It is the intent of the Legislature
21 that all forms required to be used in chapters 97-106 shall be
22 made available upon request, in alternative formats. Such
23 forms shall include absentee ballots as alternative formats
24 for such ballots become available and the ~~Division of~~
25 Elections Office is able to certify systems that provide them.
26 Whenever possible, such forms, with the exception of absentee
27 ballots, shall be made available by the Department of State
28 via the Internet. Sections that contain such forms include,
29 but are not limited to, ss. 97.051, 97.052, 97.053, 97.057,
30 97.058, 97.0583, 97.071, 97.073, 97.1031, 98.055, 98.075,
31 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,

1 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and
2 106.087.

3 Section 13. Subsections (1), (3), and (4) of section
4 97.053, Florida Statutes, are amended to read:

5 97.053 Acceptance of voter registration
6 applications.--

7 (1) Voter registration applications, changes in
8 registration, and requests for a replacement registration
9 identification card must be accepted in the office of any
10 supervisor, the office division, a driver license office, a
11 voter registration agency, or an armed forces recruitment
12 office when hand delivered by the applicant or a third party
13 during the hours that office is open or when mailed.

14 (3) The registration date for a valid initial voter
15 registration application that has been hand delivered is the
16 date when received by a driver license office, a voter
17 registration agency, an armed forces recruitment office, the
18 office division, or the office of any supervisor in the state.

19 (4) The registration date for a valid initial voter
20 registration application that has been mailed and bears a
21 clear postmark is the date of the postmark. If an initial
22 voter registration application that has been mailed does not
23 bear a postmark or if the postmark is unclear, the
24 registration date is the date the registration is received by
25 any supervisor or the office division, unless it is received
26 within 5 days after the closing of the books for an election,
27 excluding Saturdays, Sundays, and legal holidays, in which
28 case the registration date is the book-closing date.

29 Section 14. Subsection (2) of section 98.081, Florida
30 Statutes, is amended to read:

31

1 98.081 Names removed from registration books;
2 restrictions on reregistering; recordkeeping; restoration of
3 erroneously or illegally removed names.--

4 (2) When the name of any elector is removed from the
5 registration books pursuant to s. 98.065, s. 98.075, or s.
6 98.093, the elector's original registration form shall be
7 filed alphabetically in the office of the supervisor. As
8 alternatives, registrations removed from the registration
9 books may be microfilmed and such microfilms substituted for
10 the original registration forms; or, when voter registration
11 information, including the voter's signature, is maintained
12 digitally or on electronic, magnetic, or optic media, such
13 stored information may be substituted for the original
14 registration form. Such microfilms or stored information shall
15 be retained in the custody of the supervisor. In the event the
16 original registration forms are microfilmed or maintained
17 digitally or on electronic or other media, such originals may
18 be destroyed in accordance with the schedule approved by the
19 Office of State Library, Archives, and Records ~~Bureau of~~
20 ~~Archives and Records Management of the Division of Library and~~
21 ~~Information~~ Services of the department.

22 Section 15. Paragraph (b) of subsection (1) and
23 subsections (2) and (4) of section 98.0979, Florida Statutes,
24 are amended to read:

25 98.0979 Statewide voter registration database open to
26 inspection; copies.--

27 (1)

28 (b) Within 15 days after a request for voter
29 registration information, the office division or supervisor of
30 elections shall furnish any requested information, excluding
31 only a voter's signature, social security number, and such

1 other information that is by statute specifically made
2 confidential or is exempt from public records requirements. A
3 request for county information must be made to the supervisor
4 of elections of that county, and a request for multicounty or
5 statewide information must be made to the office division. A
6 supervisor of elections is not responsible for providing any
7 information other than information from the supervisor's own
8 county.

9 (2) The information provided by the office division or
10 supervisor of elections pursuant to this section shall be
11 furnished only to:

12 (a) Municipalities;

13 (b) Other governmental agencies;

14 (c) Political candidates, for the purpose of
15 furthering their candidacies;

16 (d) Registered political committees, certified
17 committees of continuous existence, and political parties or
18 officials thereof, for political purposes only; and

19 (e) Incumbent officeholders, for the purpose of
20 reporting to their constituents.

21 (4) Any person who acquires a list of registered
22 voters from the office division or supervisor of elections
23 shall take and subscribe to an oath which shall be in
24 substantially the following form:

25
26 I hereby swear (or affirm) that I am a person
27 authorized by s. 98.0979, Florida Statutes, to acquire
28 information on the registered voters of Florida; that the
29 information acquired will be used only for the purposes
30 prescribed in that section and for no other purpose; and that
31 I will not permit the use or copying of such information by

1 persons not authorized by the Election Code of the State of
2 Florida.

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

4

5 Sworn and subscribed before me this day of,
6 ...(year)....

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

8 Section 16. Section 98.101, Florida Statutes, is
9 amended to read:

10 98.101 Specifications for permanent registration
11 binders, files, and forms.--In the permanent registration
12 system, visible record binders, files, and registration forms
13 shall be used as registration books. The binders shall be
14 visible record binders, metal bound with built-in shifts, to
15 hold executed registration forms, with labelholders and
16 followers for sheet protection as necessary. The registration
17 forms shall consist of duplicates, both to be signed by the
18 registrant. One of the original executed forms shall be used
19 for the poll binders, which binders shall have a built-in lock
20 to protect the forms. The poll binders shall be divided in a
21 manner convenient for electors to vote. The other original
22 form shall be used for the office copies and arranged
23 alphabetically, in suitable filing cabinets, thus providing a
24 master list of all electors in the county; however, any county
25 may, as an alternate method, use electronic data processing
26 equipment to fulfill the requirements of this chapter. As
27 additional alternatives, registration forms used for office
28 copies may be microfilmed and such microfilms substituted for
29 the original registration forms; or, when voter registration
30 information, including the voter's signature, is maintained
31 digitally or on electronic, magnetic, or optic media, such

1 stored information may be substituted for the original
2 registration form. Such microfilms or stored information shall
3 be retained in the custody of the supervisor of elections. In
4 the event the original registration forms are microfilmed or
5 maintained digitally or on electronic or other media, such
6 originals may be destroyed in accordance with the schedule
7 approved by the State Library, Archives, and Records Services
8 ~~Office Bureau of Archives and Records Management of the~~
9 ~~Division of Library and Information Services~~ of the Department
10 of State.

11 Section 17. Section 98.461, Florida Statutes, is
12 amended to read:

13 98.461 Registration form, precinct register;
14 contents.--A registration form, approved by the Department of
15 State, containing the information required in s. 97.052 shall
16 be filed alphabetically in the office of the supervisor as the
17 master list of electors of the county. However, the
18 registration forms may be microfilmed and such microfilms
19 substituted for the original registration forms; or, when
20 voter registration information, including the voter's
21 signature, is maintained digitally or on electronic, magnetic,
22 or optic media, such stored information may be substituted for
23 the original registration form. Such microfilms or stored
24 information shall be retained in the custody of the supervisor
25 of elections. In the event the original registration forms are
26 microfilmed or maintained digitally or on electronic or other
27 media, such originals may be destroyed in accordance with the
28 schedule approved by the Office of State Library, Archives,
29 ~~Bureau of Archives and Records Management of the~~
30 ~~Division of Library and Information Services~~ of the Department
31 of State. As an alternative, the information from the

1 registration form, including the signature, may be
2 electronically reproduced and stored as provided in s. 98.451.
3 A computer printout shall be used at the polls as a precinct
4 register in lieu of the registration books. The precinct
5 register shall contain the date of the election, the precinct
6 number, and the following information concerning each
7 registered elector: last name, first name, and middle name or
8 initial; party affiliation; residence address; registration
9 number; date of birth; sex, if provided; race, if provided;
10 whether the voter needs assistance in voting; and such other
11 additional information as to readily identify the elector. The
12 precinct register shall also contain a space for the elector's
13 signature and a space for the initials of the witnessing clerk
14 or inspector.

15 Section 18. Paragraph (a) of subsection (3) of section
16 99.097, Florida Statutes, is amended to read:

17 99.097 Verification of signatures on petitions.--

18 (3)(a) A name on a petition, which name is not in
19 substantially the same form as a name on the voter
20 registration books, shall be counted as a valid signature if,
21 after comparing the signature on the petition with the
22 signature of the alleged signer as shown on the registration
23 books, the supervisor determines that the person signing the
24 petition and the person who registered to vote are one and the
25 same. In any situation in which this code requires the form
26 of the petition to be prescribed by the office division, no
27 signature shall be counted toward the number of signatures
28 required unless it is on a petition form prescribed by the
29 office division.

30 Section 19. Subsection (4) of section 100.371, Florida
31 Statutes, is amended to read:

1 100.371 Initiatives; procedure for placement on
2 ballot.--

3 (4) The sponsor shall submit signed and dated forms to
4 the appropriate supervisor of elections for verification as to
5 the number of registered electors whose valid signatures
6 appear thereon. The supervisor shall promptly verify the
7 signatures upon payment of the fee required by s. 99.097. Upon
8 completion of verification, the supervisor shall execute a
9 certificate indicating the total number of signatures checked,
10 the number of signatures verified as valid and as being of
11 registered electors, and the distribution by congressional
12 district. This certificate shall be immediately transmitted to
13 the Secretary of State. The supervisor shall retain the
14 signature forms for at least 1 year following the election in
15 which the issue appeared on the ballot or until the office
16 ~~Division of Elections~~ notifies the supervisors of elections
17 that the committee which circulated the petition is no longer
18 seeking to obtain ballot position.

19 Section 20. Subsection (7) of section 101.015, Florida
20 Statutes, is amended to read:

21 101.015 Standards for voting systems.--

22 (7) The office ~~Division of Elections~~ shall review the
23 voting systems certification standards and ensure that new
24 technologies are available for selection by boards of county
25 commissioners which meet the requirements for voting systems
26 and meet user standards. The office ~~Division of Elections~~
27 shall continuously review the voting systems certification
28 standards to ensure that new technologies are appropriately
29 certified for all elections in a timely manner. The office
30 ~~division~~ shall also develop methods to determine the will of
31 the public with respect to voting systems.

1 Section 21. Section 101.017, Florida Statutes, is
2 amended to read:

3 101.017 ~~Bureau of Voting systems certification.--The~~
4 office ~~There is created a Bureau of Voting Systems~~
5 ~~Certification within the Division of Elections of the~~
6 ~~Department of State which shall provide technical support to~~
7 the supervisors of elections and ~~which~~ is responsible for
8 voting system standards and certification. The positions
9 necessary for the office bureau to accomplish its duties under
10 this section shall be established through the budgetary
11 process.

12 Section 22. Section 101.293, Florida Statutes, is
13 amended to read:

14 101.293 Competitive sealed bids and proposals
15 required.--

16 (1) Any purchase of voting equipment, the individual
17 or combined retail value of which is in excess of the
18 threshold amount for CATEGORY TWO purchases provided in s.
19 287.017, by a governing body shall be by means of competitive
20 sealed bids or competitive sealed proposals from at least two
21 bidders, except under the following conditions:

22 (a) If a majority of the governing body agrees by vote
23 that an emergency situation exists in regard to the purchase
24 of such equipment to the extent that the potential benefits
25 derived from competitive sealed bids or competitive sealed
26 proposals are outweighed by the detrimental effects of a delay
27 in the acquisition of such equipment; or

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

31

1 If such conditions are found to exist, the chair of the
2 governing body shall certify to the office ~~Division of~~
3 ~~Elections~~ the situation and conditions requiring an exception
4 to the competitive sealed bidding and competitive sealed
5 proposal requirements of this section. Such certification
6 shall be maintained on file by the office ~~division~~.

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

11 Section 23. Section 101.294, Florida Statutes, is
12 amended to read:

13 101.294 Purchase and sale of voting equipment.--

14 (1) The office ~~Division of Elections of the Department~~
15 ~~of State~~ shall adopt uniform rules for the purchase, use, and
16 sale of voting equipment in the state. No governing body
17 shall purchase or cause to be purchased any voting equipment
18 unless such equipment has been certified for use in this state
19 by the Department of State.

20 (2) Any governing body contemplating the purchase or
21 sale of voting equipment shall notify the office ~~Division of~~
22 ~~Elections~~ of such considerations. The office ~~division~~ shall
23 attempt to coordinate the sale of excess or outmoded equipment
24 by one county with purchases of necessary equipment by other
25 counties.

26 (3) The office ~~division~~ shall inform the governing
27 bodies of the various counties of the state of the
28 availability of new or used voting equipment and of sources
29 available for obtaining such equipment.

30 Section 24. Section 101.545, Florida Statutes, is
31 amended to read:

1 101.545 Retention and destruction of certain election
2 materials.--All ballots, forms, and other election materials
3 shall be retained in the custody of the supervisor of
4 elections in accordance with the schedule approved by the
5 Office of State Library, Archives, and Records ~~Division of~~
6 ~~Library and Information Services~~ of the Department of State.
7 All unused ballots, forms, and other election materials may,
8 with the approval of the Department of State, be destroyed by
9 the supervisor after the election for which such ballots,
10 forms, or other election materials were to be used.

11 Section 25. Subsection (4) of section 101.5608,
12 Florida Statutes, is amended to read:

13 101.5608 Voting by electronic or electromechanical
14 method; procedures.--

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

19 Section 26. Subsection (5) of section 101.5614,
20 Florida Statutes, is amended to read:

21 101.5614 Canvass of returns.--

22 (5) If any absentee ballot is physically damaged so
23 that it cannot properly be counted by the automatic tabulating
24 equipment, a true duplicate copy shall be made of the damaged
25 ballot in the presence of witnesses and substituted for the
26 damaged ballot. Likewise, a duplicate ballot shall be made of
27 an absentee ballot containing an overvoted race or a marked
28 absentee ballot in which every race is undervoted which shall
29 include all valid votes as determined by the canvassing board
30 based on rules adopted by the office ~~division~~ pursuant to s.
31 102.166(5). All duplicate ballots shall be clearly labeled

1 "duplicate," bear a serial number which shall be recorded on
2 the defective ballot, and be counted in lieu of the defective
3 ballot. After a ballot has been duplicated, the defective
4 ballot shall be placed in an envelope provided for that
5 purpose, and the duplicate ballot shall be tallied with the
6 other ballots for that precinct.

7 Section 27. Subsection (3) of section 101.694, Florida
8 Statutes, is amended to read:

9 101.694 Mailing of ballots upon receipt of federal
10 postcard application.--

11 (3) There shall be printed across the face of each
12 envelope in which a ballot is sent to a federal postcard
13 applicant, or is returned by such applicant to the supervisor,
14 two parallel horizontal red bars, each one-quarter inch wide,
15 extending from one side of the envelope to the other side,
16 with an intervening space of one-quarter inch, the top bar to
17 be 1 1/4 inches from the top of the envelope, and with the
18 words "Official Election Balloting Material-via Air Mail," or
19 similar language, between the bars. There shall be printed in
20 the upper right corner of each such envelope, in a box, the
21 words "Free of U. S. Postage, including Air Mail." All
22 printing on the face of each envelope shall be in red, and
23 there shall be printed in red in the upper left corner of each
24 ballot envelope an appropriate inscription or blanks for
25 return address of sender. Additional specifications may be
26 prescribed by rule of the office ~~Division of Elections~~ upon
27 recommendation of the presidential designee under the
28 Uniformed and Overseas Citizens Absentee Voting Act.
29 Otherwise, the envelopes shall be the same as those used in
30 sending ballots to, or receiving them from, other absentee
31 voters.

1 Section 28. Subsection (2) of section 101.732, Florida
2 Statutes, is amended to read:

3 101.732 Definitions relating to Elections Emergency
4 Act.--As used in ss. 101.731-101.74:

5 (2) "Office"~~"Division"~~means the ~~Division of~~
6 Elections Office of the department ~~of State~~.

7 Section 29. Subsection (3) of section 101.733, Florida
8 Statutes, is amended to read:

9 101.733 Election emergency; purpose; elections
10 emergency contingency plan.--Because of the existing and
11 continuing possibility of an emergency or common disaster
12 occurring before or during a regularly scheduled or special
13 election, and in order to ensure maximum citizen participation
14 in the electoral process and provide a safe and orderly
15 procedure for persons seeking to exercise their right to vote,
16 generally to minimize to whatever degree possible a person's
17 exposure to danger during declared states of emergency, and to
18 protect the integrity of the electoral process, it is hereby
19 found and declared to be necessary to designate a procedure
20 for the emergency suspension or delay and rescheduling of
21 elections.

22 (3) The office ~~Division of Elections of the Department~~
23 ~~of State~~ shall adopt, by rule, an elections emergency
24 contingency plan, which shall contain goals and policies that
25 give specific direction to state and local elections officials
26 when an election has been suspended or delayed due to an
27 emergency. The contingency plan shall be statewide in scope
28 and shall address, but not be limited to, the following
29 concerns:

30 (a) Providing a procedure for state and local
31 elections officials to follow when an election has been

1 suspended or delayed to ensure notice of the suspension or
2 delay to the proper authorities, the electorate, the
3 communications media, poll workers, and the custodians of
4 polling places.

5 (b) Providing a procedure for the orderly conduct of a
6 rescheduled election, whether municipal, county, district, or
7 statewide in scope; coordinating those efforts with the
8 appropriate elections official, and the members of the
9 governing body holding such election, if appropriate; and
10 working with the appropriate emergency management officials in
11 determining the safety of existing polling places or
12 designating additional polling places.

13 (c) Providing a procedure for the release and
14 certification of election returns to the department for
15 elections suspended or delayed and subsequently rescheduled
16 under the provisions of ss. 101.731-101.74.

17 Section 30. Subsection (2) of section 102.111, Florida
18 Statutes, is amended to read:

19 102.111 Elections Canvassing Commission.--

20 (2) The office ~~Division of Elections~~ shall provide the
21 staff services required by the Elections Canvassing
22 Commission.

23 Section 31. Subsection (8) of section 102.141, Florida
24 Statutes, is amended to read:

25 102.141 County canvassing board; duties.--

26 (8) At the same time that the results of an election
27 are certified to the Department of State, the county
28 canvassing board shall file a report with the office ~~Division~~
29 ~~of Elections~~ on the conduct of the election. The report shall
30 contain information relating to any problems incurred as a
31 result of equipment malfunctions either at the precinct level

1 or at a counting location, any difficulties or unusual
2 circumstances encountered by an election board or the
3 canvassing board, and any other additional information which
4 the canvassing board feels should be made a part of the
5 official election record. Such reports shall be maintained on
6 file in the office ~~Division of Elections~~ and shall be
7 available for public inspection. The office ~~division~~ shall
8 use ~~utilize~~ the reports submitted by the canvassing boards to
9 determine what problems may be likely to occur in other
10 elections and disseminate such information, along with
11 possible solutions, to the supervisors of elections.

12 Section 32. Subsection (1) of section 105.031, Florida
13 Statutes, is amended to read:

14 105.031 Qualification; filing fee; candidate's oath;
15 items required to be filed.--

16 (1) TIME OF QUALIFYING.--Except for candidates for
17 judicial office, nonpartisan candidates for multicounty office
18 shall qualify with the ~~Division of Elections~~ Office of the
19 Department of State and nonpartisan candidates for countywide
20 or less than countywide office shall qualify with the
21 supervisor of elections. Candidates for judicial office other
22 than the office of county court judge shall qualify with the
23 ~~Division of Elections~~ Office of the Department of State, and
24 candidates for the office of county court judge shall qualify
25 with the supervisor of elections of the county. Candidates
26 for judicial office shall qualify no earlier than noon of the
27 120th day, and no later than noon of the 116th day, before the
28 first primary election. Candidates for the office of school
29 board member shall qualify no earlier than noon of the 50th
30 day, and no later than noon of the 46th day, before the first
31 primary election. Filing shall be on forms provided for that

1 purpose by the ~~Division of~~ Elections Office and furnished by
2 the appropriate qualifying officer. Any person seeking to
3 qualify by the alternative method, as set forth in s. 105.035,
4 if the person has submitted the necessary petitions by the
5 required deadline and is notified after the fifth day prior to
6 the last day for qualifying that the required number of
7 signatures has been obtained, shall be entitled to subscribe
8 to the candidate's oath and file the qualifying papers at any
9 time within 5 days from the date he or she is notified that
10 the necessary number of signatures has been obtained. Any
11 person other than a write-in candidate who qualifies within
12 the time prescribed in this subsection shall be entitled to
13 have his or her name printed on the ballot.

14 Section 33. Subsections (1) and (2) and paragraph (a)
15 of subsection (4) of section 105.035, Florida Statutes, are
16 amended to read:

17 105.035 Alternative method of qualifying for certain
18 judicial offices and the office of school board member.--

19 (1) A person seeking to qualify for election to the
20 office of circuit judge or county court judge or the office of
21 school board member may qualify for election to such office by
22 means of the petitioning process prescribed in this section.
23 A person qualifying by this alternative method shall not be
24 required to pay the qualifying fee required by this chapter.
25 A person using this petitioning process shall file an oath
26 with the officer before whom the candidate would qualify for
27 the office stating that he or she intends to qualify by this
28 alternative method for the office sought. Such oath shall be
29 filed at any time after the first Tuesday after the first
30 Monday in January of the year in which the election is held,
31 but prior to the 21st day preceding the first day of the

1 qualifying period for the office sought. The form of such oath
2 shall be prescribed by the ~~Division of~~ Elections Office. No
3 signatures shall be obtained until the person has filed the
4 oath prescribed in this subsection.

5 (2) Upon receipt of a written oath from a candidate,
6 the qualifying officer shall provide the candidate with a
7 petition format prescribed by the ~~Division of~~ Elections Office
8 to be used by the candidate to reproduce petitions for
9 circulation. If the candidate is running for an office which
10 will be grouped on the ballot with two or more similar offices
11 to be filled at the same election, the candidate's petition
12 must indicate, prior to the obtaining of registered electors'
13 signatures, for which group or district office the candidate
14 is running.

15 (4)(a) Each candidate seeking to qualify for election
16 to the office of circuit judge or the office of school board
17 member from a multicounty school district pursuant to this
18 section shall file a separate petition from each county from
19 which signatures are sought. Each petition shall be
20 submitted, prior to noon of the 21st day preceding the first
21 day of the qualifying period for the office sought, to the
22 supervisor of elections of the county for which such petition
23 was circulated. Each supervisor of elections to whom a
24 petition is submitted shall check the signatures on the
25 petition to verify their status as electors of that county and
26 of the geographic area represented by the office sought. Prior
27 to the first date for qualifying, the supervisor shall certify
28 the number shown as registered electors and submit such
29 certification to the ~~Division of~~ Elections Office. The office
30 ~~division~~ shall determine whether the required number of
31 signatures has been obtained for the name of the candidate to

1 be placed on the ballot and shall notify the candidate. If
2 the required number of signatures has been obtained, the
3 candidate shall, during the time prescribed for qualifying for
4 office, submit a copy of such notice and file his or her
5 qualifying papers and oath prescribed in s. 105.031 with the
6 ~~Division of Elections~~ Office. Upon receipt of the copy of
7 such notice and qualifying papers, the Election's Office
8 ~~division~~ shall certify the name of the candidate to the
9 appropriate supervisor or supervisors of elections as having
10 qualified for the office sought.

11 Section 34. Subsection (5) of section 105.036, Florida
12 Statutes, is amended to read:

13 105.036 Initiative for method of selection for circuit
14 or county court judges; procedures for placement on ballot.--

15 (5) No later than 5 p.m. 151 days prior to the general
16 election at which the proposed judicial selection initiative
17 is to be voted on, the sponsor shall submit signed and dated
18 forms to the appropriate supervisor of elections for
19 verification as to the number of registered electors whose
20 valid signatures appear thereon. The supervisor shall promptly
21 verify the signatures upon payment of the fee or filing of the
22 undue burden oath required by s. 99.097. Verification must be
23 completed at least 91 days prior to the general election. Upon
24 completion of verification, the supervisor shall execute a
25 certificate indicating the total number of signatures checked
26 and the number of signatures verified as valid and as being of
27 registered electors of the applicable county or circuit. This
28 certificate must be immediately transmitted to the Secretary
29 of State for petitions related to the method of selection of
30 circuit court judges. The supervisor must retain the signature
31 forms for at least 1 year following the election in which the

1 issue appeared on the ballot or until the committee that
2 circulated the petition is no longer seeking to obtain ballot
3 position as determined by the office ~~Division of Elections~~ for
4 circuit court petitions or by the supervisor of elections for
5 county court petitions.

6 Section 35. Paragraph (b) of subsection (2) of section
7 105.041, Florida Statutes, is amended to read:

8 105.041 Form of ballot.--

9 (2) LISTING OF CANDIDATES.--

10 (b)1. The names of candidates for the office of
11 circuit judge shall be listed on the first primary ballot in
12 the order determined by lot conducted by the director of the
13 ~~Division of Elections~~ Office ~~of the Department of State~~ after
14 the close of the qualifying period.

15 2. Candidates who have secured a position on the
16 general election ballot, after having survived elimination at
17 the first primary, shall have their names listed in the same
18 order as on the first primary ballot, notwithstanding the
19 elimination of any intervening names as a result of the first
20 primary.

21 Section 36. Subsection (12) of section 106.011,
22 Florida Statutes, is amended to read:

23 106.011 Definitions.--As used in this chapter, the
24 following terms have the following meanings unless the context
25 clearly indicates otherwise:

26 (12) "Office" ~~"Division"~~ means the ~~Division of~~
27 Elections Office of the Department of State.

28 Section 37. Paragraph (a) of subsection (1) of section
29 106.021, Florida Statutes, is amended to read:

30 106.021 Campaign treasurers; deputies; primary and
31 secondary depositories.--

1 (1)(a) Each candidate for nomination or election to
2 office and each political committee shall appoint a campaign
3 treasurer. Each person who seeks to qualify for nomination or
4 election to, or retention in, office shall appoint a campaign
5 treasurer and designate a primary campaign depository prior to
6 qualifying for office. Any person who seeks to qualify for
7 election or nomination to any office by means of the
8 petitioning process shall appoint a treasurer and designate a
9 primary depository on or before the date he or she obtains the
10 petitions. Each candidate shall at the same time he or she
11 designates a campaign depository and appoints a treasurer also
12 designate the office for which he or she is a candidate. If
13 the candidate is running for an office which will be grouped
14 on the ballot with two or more similar offices to be filled at
15 the same election, the candidate must indicate for which group
16 or district office he or she is running. Nothing in this
17 subsection shall prohibit a candidate, at a later date, from
18 changing the designation of the office for which he or she is
19 a candidate. However, if a candidate changes the designated
20 office for which he or she is a candidate, the candidate must
21 notify all contributors in writing of the intent to seek a
22 different office and offer to return pro rata, upon their
23 request, those contributions given in support of the original
24 office sought. This notification shall be given within 15 days
25 after the filing of the change of designation and shall
26 include a standard form developed by the office ~~Division of~~
27 ~~Elections~~ for requesting the return of contributions. The
28 notice requirement shall not apply to any change in a
29 numerical designation resulting solely from redistricting.
30 If, within 30 days after being notified by the candidate of
31 the intent to seek a different office, the contributor

1 notifies the candidate in writing that the contributor wishes
2 his or her contribution to be returned, the candidate shall
3 return the contribution, on a pro rata basis, calculated as of
4 the date the change of designation is filed. Any
5 contributions not requested to be returned within the 30-day
6 period may be used by the candidate for the newly designated
7 office. No person shall accept any contribution or make any
8 expenditure with a view to bringing about his or her
9 nomination, election, or retention in public office, or
10 authorize another to accept such contributions or make such
11 expenditure on the person's behalf, unless such person has
12 appointed a campaign treasurer and designated a primary
13 campaign depository. A candidate for an office voted upon
14 statewide may appoint not more than 15 deputy campaign
15 treasurers, and any other candidate or political committee may
16 appoint not more than 3 deputy campaign treasurers. The names
17 and addresses of the campaign treasurer and deputy campaign
18 treasurers so appointed shall be filed with the officer before
19 whom such candidate is required to qualify or with whom such
20 political committee is required to register pursuant to s.
21 106.03. Each candidate who qualifies with the Department of
22 State for an office not voted upon statewide shall, at the
23 same time, file a copy of the name and address of the campaign
24 treasurer with the supervisor of elections in the county in
25 which the candidate resides.

26 Section 38. Paragraphs (a) and (d) of subsection (3)
27 and subsection (7) of section 106.03, Florida Statutes, are
28 amended to read:

29 106.03 Registration of political committees.--

30 (3)(a) A political committee which is organized to
31 support or oppose statewide, legislative, or multicounty

1 candidates or issues to be voted upon on a statewide or
2 multicounty basis shall file a statement of organization with
3 the office ~~Division of Elections~~.

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

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

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

17 (b) Adequate opportunity to respond.

18 (c) Appeal of the decision to the Florida Elections
19 Commission. Such appeals shall be exempt from the
20 confidentiality provisions of s. 106.25.

21 Section 39. Subsections (2), (3), (4), (6), and (7) of
22 section 106.04, Florida Statutes, are amended to read:

23 106.04 Committees of continuous existence.--

24 (2) Any group, organization, association, or other
25 entity may seek certification from the Department of State as
26 a committee of continuous existence by filing an application
27 with the office ~~Division of Elections~~ on a form provided by
28 the office ~~division~~. Such application shall provide the
29 information required of political committees by s. 106.03(2).
30 Each application shall be accompanied by the name and street
31 address of the principal officer of the applying entity as of

1 the date of the application; a copy of the charter or bylaws
2 of the organization; a copy of the dues or assessment schedule
3 of the organization, or formula by which dues or assessments
4 are levied; and a complete financial statement or annual audit
5 summarizing all income received, and all expenses incurred, by
6 the organization during the 12 months preceding the date of
7 application. A membership list shall be made available for
8 inspection if deemed necessary by the office ~~division~~.

9 (3) If the office ~~Division of Elections~~ finds that an
10 applying organization meets the criteria for a committee of
11 continuous existence as provided by subsection (1), it shall
12 certify such findings and notify the applying organization of
13 such certification. If it finds that an applying organization
14 does not meet the criteria for certification, it shall notify
15 the organization of such findings and shall state the reasons
16 why such criteria are not met.

17 (4)(a) Each committee of continuous existence shall
18 file an annual report with the office ~~Division of Elections~~
19 during the month of January. Such annual reports shall
20 contain the same information and shall be accompanied by the
21 same materials as original applications filed pursuant to
22 subsection (2). However, the charter or bylaws need not be
23 filed if the annual report is accompanied by a sworn statement
24 by the chair that no changes have been made to such charter or
25 bylaws since the last filing.

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

31

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

5 (c) All committees of continuous existence shall file
6 the original and one copy of their reports with the office
7 ~~Division of Elections~~. In addition, a duplicate copy of each
8 report shall be filed with the supervisor of elections in the
9 county in which the committee maintains its books and records,
10 except that if the filing officer to whom the committee is
11 required to report is located in the same county as the
12 supervisor no such duplicate report is required to be filed
13 with the supervisor. Reports shall be on forms provided by
14 the office ~~division~~ and shall contain the following
15 information:

16 1. The full name, address, and occupation of each
17 person who has made one or more contributions to the committee
18 during the reporting period, together with the amounts and
19 dates of such contributions. For corporations, the report
20 must provide as clear a description as practicable of the
21 principal type of business conducted by the corporation.
22 However, if the contribution is \$100 or less, the occupation
23 of the contributor or principal type of business need not be
24 listed. However, for any contributions which represent the
25 payment of dues by members in a fixed amount pursuant to the
26 schedule on file with the office ~~Division of Elections~~, only
27 the aggregate amount of such contributions need be listed,
28 together with the number of members paying such dues and the
29 amount of the membership dues.

30 2. The name and address of each political committee or
31 committee of continuous existence from which the reporting

1 committee received, or the name and address of each political
2 committee, committee of continuous existence, or political
3 party to which it made, any transfer of funds, together with
4 the amounts and dates of all transfers.

5 3. Any other receipt of funds not listed pursuant to
6 subparagraph 1. or subparagraph 2., including the sources and
7 amounts of all such funds.

8 4. The name and address of, and office sought by, each
9 candidate to whom the committee has made a contribution during
10 the reporting period, together with the amount and date of
11 each contribution.

12 (d) The treasurer of each committee shall certify as
13 to the correctness of each report and shall bear the
14 responsibility for its accuracy and veracity. Any treasurer
15 who willfully certifies to the correctness of a report while
16 knowing that such report is incorrect, false, or incomplete
17 commits a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 (6) All accounts and records of a committee of
20 continuous existence may be inspected under reasonable
21 circumstances by any authorized representative of the office
22 ~~Division of Elections~~ or the Florida Elections Commission.
23 The right of inspection may be enforced by appropriate writ
24 issued by any court of competent jurisdiction.

25 (7) If a committee of continuous existence ceases to
26 meet the criteria prescribed by subsection (1), the office
27 ~~Division of Elections~~ shall revoke its certification until
28 such time as the criteria are again met. The office ~~Division~~
29 ~~of Elections~~ shall adopt ~~promulgate~~ rules to prescribe the
30 manner in which such certification shall be revoked. Such
31 rules shall, at a minimum, provide for:

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

3 (b) Adequate opportunity to respond.

4 (c) Appeal of the decision to the Florida Elections
5 Commission. Such appeals shall be exempt from the
6 confidentiality provisions of s. 106.25.

7 Section 40. Subsections (2) of section 106.06, Florida
8 Statutes, is amended to read:

9 106.06 Treasurer to keep records; inspections.--

10 (2) Accounts, including separate interest-bearing
11 accounts and certificates of deposit, kept by the campaign
12 treasurer of a candidate or political committee may be
13 inspected under reasonable circumstances before, during, or
14 after the election to which the accounts refer by any
15 authorized representative of the office ~~Division of Elections~~
16 or the Florida Elections Commission. The right of inspection
17 may be enforced by appropriate writ issued by any court of
18 competent jurisdiction. The campaign treasurer of a political
19 committee supporting a candidate may be joined with the
20 campaign treasurer of the candidate as respondent in such a
21 proceeding.

22 Section 41. Subsection (6) and paragraph (a) of
23 subsection (8) of section 106.07, Florida Statutes, are
24 amended to read:

25 106.07 Reports; certification and filing.--

26 (6) The campaign depository shall return all checks
27 drawn on the account to the campaign treasurer who shall
28 retain the records pursuant to s. 106.06. The records
29 maintained by the depository with respect to such account
30 shall be subject to inspection by an agent of the office
31 ~~Division of Elections~~ or the Florida Elections Commission at

1 any time during normal banking hours, and such depository
2 shall furnish certified copies of any of such records to the
3 office ~~Division of Elections~~ or Florida Elections Commission
4 upon request.

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

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

15 2. In the general revenue fund of the political
16 subdivision, in the case of a candidate for an office of a
17 political subdivision or a political committee that registers
18 with an officer of a political subdivision.

19
20 No separate fine shall be assessed for failure to file a copy
21 of any report required by this section.

22 Section 42. Paragraph (a) of subsection (2) of section
23 106.11, Florida Statutes, is amended to read:

24 106.11 Expenses of and expenditures by candidates and
25 political committees.--Each candidate and each political
26 committee which designates a primary campaign depository
27 pursuant to s. 106.021(1) shall make expenditures from funds
28 on deposit in such primary campaign depository only in the
29 following manner, with the exception of expenditures made from
30 petty cash funds provided by s. 106.12:

31

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

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

6 2. Debit cards are issued in the name of the
7 treasurer, deputy treasurer, or authorized user and state
8 "Campaign Account of ...(name of candidate or political
9 committee)...."

10 3. No more than three debit cards are requested and
11 issued.

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

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

17 6. The person using the debit card does not receive
18 cash as part of, or independent of, any transaction for goods
19 or services.

20 7. All receipts for debit card transactions contain:

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

22 b. The exact amount of the expenditure.

23 c. The name of the payee.

24 d. The signature of the campaign treasurer, deputy
25 treasurer, or authorized user.

26 e. The exact purpose for which the expenditure is
27 authorized.

28
29 Any information required by this subparagraph but not included
30 on the debit card transaction receipt may be handwritten on,
31

1 or attached to, the receipt by the authorized user before
2 submission to the treasurer.

3 Section 43. Paragraph (a) of subsection (7) and
4 subsection (8) of section 106.141, Florida Statutes, are
5 amended to read:

6 106.141 Disposition of surplus funds by candidates.--

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

14 1. The name and address of each person or unit of
15 government to whom any of the funds were distributed and the
16 amounts thereof;

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

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

23
24 Such report shall be signed by the candidate and the campaign
25 treasurer and certified as true and correct pursuant to s.
26 106.07.

27 (8) Any candidate elected to office who transfers
28 surplus campaign funds into an office account pursuant to
29 subsection (5) shall file a report on the 10th day following
30 the end of each calendar quarter until the account is closed.
31 Such reports shall contain the name and address of each person

1 to whom any disbursement of funds was made, together with the
2 amount thereof and the purpose therefor, and the name and
3 address of any person from whom the elected candidate received
4 any refund or reimbursement and the amount thereof. Such
5 reports shall be on forms prescribed by the office ~~Division of~~
6 ~~Elections~~, signed by the elected candidate, certified as true
7 and correct, and filed with the officer with whom campaign
8 reports were filed pursuant to s. 106.07(2).

9 Section 44. Subsections (1) and (3) of section
10 106.1475, Florida Statutes, are amended to read:

11 106.1475 Telephone solicitation; registered agent
12 requirements; penalty.--

13 (1) Any person or organization that conducts any
14 business in this state which consists of making paid telephone
15 calls supporting or opposing any candidate or elected public
16 official must, prior to conducting such business, have and
17 continuously maintain, for at least 180 days following the
18 cessation of such business activities in the state, a
19 registered agent for the purpose of any service of process,
20 notice, or demand required or authorized by law and must file
21 with the office ~~division~~ a notice of such registered agent.
22 Such registered agent must be an individual who is a resident
23 of this state, a domestic corporation, or a foreign
24 corporation authorized to do business in this state. However,
25 this subsection does not apply to any person or organization
26 already lawfully registered to conduct business in this state.

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

30 1. The name, address, and telephone number of the
31 registered agent.

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

4 (b) The person or organization conducting business in
5 this state as specified in subsection (1) must immediately
6 notify the office ~~division~~ of any changes in the information
7 required in paragraph (a).

8 Section 45. Section 106.22, Florida Statutes, is
9 amended to read:

10 106.22 Duties of the ~~Division of~~ Elections Office.--It
11 is the duty of the ~~Division of~~ Elections Office to:

12 (1) Prescribe forms for statements and other
13 information required to be filed by this chapter. Such forms
14 shall be furnished by the Department of State or office of the
15 supervisor of elections to persons required to file such
16 statements and information with such agency.

17 (2) Prepare and publish manuals or brochures setting
18 forth recommended uniform methods of bookkeeping and
19 reporting, and including appropriate portions of the election
20 code, for use by persons required by this chapter to file
21 statements.

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

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

27 (5) Prepare and publish such reports as it may deem
28 appropriate.

29 (6) Make, from time to time, audits and field
30 investigations with respect to reports and statements filed
31 under the provisions of this chapter and with respect to

1 alleged failures to file any report or statement required
2 under the provisions of this chapter. The office division
3 shall conduct a postelection audit of the campaign accounts of
4 all candidates receiving contributions from the Election
5 Campaign Financing Trust Fund.

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

9 (8) Employ such personnel or contract for such
10 services as are necessary to adequately carry out the intent
11 of this chapter.

12 (9) Prescribe rules and regulations to carry out the
13 provisions of this chapter. Such rules shall be prescribed
14 pursuant to chapter 120.

15 (10) Make an annual report to the President of the
16 Senate and the Speaker of the House of Representatives
17 concerning activities of the office division and recommending
18 improvements in the election code.

19 (11) Conduct preliminary investigations into any
20 irregularities or fraud involving voter registration or voting
21 and report its findings to the state attorney for the judicial
22 circuit in which the alleged violation occurred for
23 prosecution, where warranted. The Department of State may
24 prescribe by rule requirements for filing a complaint of voter
25 fraud and for investigating any such complaint.

26 (12) Conduct random audits with respect to reports and
27 statements filed under this chapter and with respect to
28 alleged failure to file any reports and statements required
29 under this chapter.

30 Section 46. Section 106.23, Florida Statutes, is
31 amended to read:

1 106.23 Powers of the ~~Division of~~ Elections Office.--
2 (1) In order to carry out the responsibilities
3 prescribed by s. 106.22, the ~~Division of~~ Elections Office is
4 empowered to subpoena and bring before its duly authorized
5 representatives any person in the state, or any person doing
6 business in the state, or any person who has filed or is
7 required to have filed any application, document, papers, or
8 other information with an office or agency of this state or a
9 political subdivision thereof and to require the production of
10 any papers, books, or other records relevant to any
11 investigation, including the records and accounts of any bank
12 or trust company doing business in this state. Duly
13 authorized representatives of the office ~~division~~ are
14 empowered to administer all oaths and affirmations in the
15 manner prescribed by law to witnesses who shall appear before
16 them concerning any relevant matter. Should any witness fail
17 to respond to the lawful subpoena of the office ~~division~~ or,
18 having responded, fail to answer all lawful inquiries or to
19 turn over evidence that has been subpoenaed, the office
20 ~~division~~ may file a complaint before any circuit court of the
21 state setting up such failure on the part of the witness. On
22 the filing of such complaint, the court shall take
23 jurisdiction of the witness and the subject matter of said
24 complaint and shall direct the witness to respond to all
25 lawful questions and to produce all documentary evidence in
26 the witness's possession which is lawfully demanded. The
27 failure of any witness to comply with such order of the court
28 shall constitute a direct and criminal contempt of court, and
29 the court shall punish said witness accordingly. However, the
30 refusal by a witness to answer inquiries or turn over evidence
31 on the basis that such testimony or material will tend to

1 | incriminate such witness shall not be deemed refusal to comply
2 | with the provisions of this chapter.

3 | (2) The office ~~Division of Elections~~ shall provide
4 | advisory opinions when requested by any supervisor of
5 | elections, candidate, local officer having election-related
6 | duties, political party, political committee, committee of
7 | continuous existence, or other person or organization engaged
8 | in political activity, relating to any provisions or possible
9 | violations of Florida election laws with respect to actions
10 | such supervisor, candidate, local officer having
11 | election-related duties, political party, committee, person,
12 | or organization has taken or proposes to take. Requests for
13 | advisory opinions must be submitted in accordance with rules
14 | adopted by the Department of State. A written record of all
15 | such opinions issued by the office ~~division~~, sequentially
16 | numbered, dated, and indexed by subject matter, shall be
17 | retained. A copy shall be sent to said person or organization
18 | upon request. Any such person or organization, acting in good
19 | faith upon such an advisory opinion, shall not be subject to
20 | any criminal penalty provided for in this chapter. The
21 | opinion, until amended or revoked, shall be binding on any
22 | person or organization who sought the opinion or with
23 | reference to whom the opinion was sought, unless material
24 | facts were omitted or misstated in the request for the
25 | advisory opinion.

26 | Section 47. Subsection (6) of section 106.24, Florida
27 | Statutes, is amended to read:

28 | 106.24 Florida Elections Commission; membership;
29 | powers; duties.--

30 | (6) There is ~~hereby~~ established in the State Treasury
31 | an Elections Commission Trust Fund to be used ~~utilized~~ by the

1 office ~~Division of Elections~~ and the Florida Elections
2 Commission in order to carry out their duties pursuant to ss.
3 106.24-106.28. The trust fund may also be used by the office
4 ~~division~~, pursuant to its authority under s. 106.22(11), to
5 provide rewards for information leading to criminal
6 convictions related to voter registration fraud, voter fraud,
7 and vote scams.

8 Section 48. Subsections (2) and (4) of section 106.25,
9 Florida Statutes, are amended to read:

10 106.25 Reports of alleged violations to Florida
11 Elections Commission; disposition of findings.--

12 (2) The commission shall investigate all violations of
13 this chapter and chapter 104, but only after having received
14 either a sworn complaint or information reported to it by the
15 office ~~Division of Elections~~. Any person, other than the
16 office ~~division~~, having information of any violation of this
17 chapter or chapter 104 shall file a sworn complaint with the
18 commission. Such sworn complaint shall state whether a
19 complaint of the same violation has been made to any state
20 attorney. Within 5 days after receipt of a sworn complaint,
21 the commission shall transmit a copy of the complaint to the
22 alleged violator. All sworn complaints alleging violations of
23 the Florida Election Code over which the commission has
24 jurisdiction shall be filed with the commission within 2 years
25 of the alleged violations. The period of limitations is
26 tolled on the day a sworn complaint is filed with the
27 commission.

28 (4) The commission shall undertake a preliminary
29 investigation to determine if the facts alleged in a sworn
30 complaint or a matter initiated by the office ~~division~~
31 constitute probable cause to believe that a violation has

1 occurred. Upon completion of the preliminary investigation,
2 the commission shall, by written report, find probable cause
3 or no probable cause to believe that this chapter or chapter
4 104 has been violated.

5 (a) If no probable cause is found, the commission
6 shall dismiss the case and the case shall become a matter of
7 public record, except as otherwise provided in this section,
8 together with a written statement of the findings of the
9 preliminary investigation and a summary of the facts which the
10 commission shall send to the complainant and the alleged
11 violator.

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

17
18 In a case where probable cause is found, the commission shall
19 make a preliminary determination to consider the matter or to
20 refer the matter to the state attorney for the judicial
21 circuit in which the alleged violation occurred.

22 Section 49. Subsections (1) and (13) of section
23 106.26, Florida Statutes, are amended to read:

24 106.26 Powers of commission; rights and
25 responsibilities of parties; findings by commission.--

26 (1) The commission shall, pursuant to rules adopted
27 and published in accordance with chapter 120, consider all
28 sworn complaints filed with it and all matters reported to it
29 by the office ~~Division of Elections~~. In order to carry out
30 the responsibilities prescribed by this chapter, the
31 commission is empowered to subpoena and bring before it, or

1 | its duly authorized representatives, any person in the state,
2 | or any person doing business in the state, or any person who
3 | has filed or is required to have filed any application,
4 | document, papers, or other information with an office or
5 | agency of this state or a political subdivision thereof and to
6 | require the production of any papers, books, or other records
7 | relevant to any investigation, including the records and
8 | accounts of any bank or trust company doing business in this
9 | state. Duly authorized representatives of the commission are
10 | empowered to administer all oaths and affirmations in the
11 | manner prescribed by law to witnesses who shall appear before
12 | them concerning any relevant matter. Should any witness fail
13 | to respond to the lawful subpoena of the commission or, having
14 | responded, fail to answer all lawful inquiries or to turn over
15 | evidence that has been subpoenaed, the commission may file a
16 | complaint before any circuit court of the state setting up
17 | such failure on the part of the witness. On the filing of
18 | such complaint, the court shall take jurisdiction of the
19 | witness and the subject matter of said complaint and shall
20 | direct the witness to respond to all lawful questions and to
21 | produce all documentary evidence in the witness's possession
22 | which is lawfully demanded. The failure of any witness to
23 | comply with such order of the court shall constitute a direct
24 | and criminal contempt of court, and the court shall punish
25 | said witness accordingly. However, the refusal by a witness
26 | to answer inquiries or turn over evidence on the basis that
27 | such testimony or material will tend to incriminate such
28 | witness shall not be deemed refusal to comply with the
29 | provisions of this chapter. The sheriffs in the several
30 | counties shall make such service and execute all process or
31 | orders when required by the commission. Sheriffs shall be

1 paid for these services by the commission as provided for in
2 s. 30.231. Any person who is served with a subpoena to attend
3 a hearing of the commission also shall be served with a
4 general statement informing him or her of the subject matter
5 of the commission's investigation or inquiry and a notice that
6 he or she may be accompanied at the hearing by counsel of his
7 or her own choosing.

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

11 Section 50. Subsection (1) of section 106.29, Florida
12 Statutes, is amended to read:

13 106.29 Reports by political parties; restrictions on
14 contributions and expenditures; penalties.--

15 (1) The state executive committee and each county
16 executive committee of each political party regulated by
17 chapter 103 shall file regular reports of all contributions
18 received and all expenditures made by such committee. Such
19 reports shall contain the same information as do reports
20 required of candidates by s. 106.07 and shall be filed on the
21 10th day following the end of each calendar quarter, except
22 that, during the period from the last day for candidate
23 qualifying until the general election, such reports shall be
24 filed on the Friday immediately preceding the first primary
25 election, the second primary election, and the general
26 election. Each state executive committee shall file the
27 original and one copy of its reports with the office ~~Division~~
28 ~~of Elections~~. Each county executive committee shall file its
29 reports with the supervisor of elections in the county in
30 which such committee exists. Any state or county executive
31 committee failing to file a report on the designated due date

1 shall be subject to a fine as provided in subsection (3). No
2 separate fine shall be assessed for failure to file a copy of
3 any report required by this section.

4 Section 51. Section 106.33, Florida Statutes, is
5 amended to read:

6 106.33 Election campaign financing; eligibility.--Each
7 candidate for the office of Governor or member of the Cabinet
8 who desires to receive contributions from the Election
9 Campaign Financing Trust Fund shall, upon qualifying for
10 office, file a request for such contributions with the filing
11 officer on forms provided by the office ~~Division of Elections~~.
12 If a candidate requesting contributions from the fund desires
13 to have such funds distributed by electronic fund transfers,
14 the request shall include information necessary to implement
15 that procedure. For the purposes of ss. 106.30-106.36,
16 candidates for Governor and Lieutenant Governor on the same
17 ticket shall be considered as a single candidate. To be
18 eligible to receive contributions from the fund, a candidate
19 may not be an unopposed candidate as defined in s. 106.011(15)
20 and must:

21 (1) Agree to abide by the expenditure limits provided
22 in s. 106.34.

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

24 1. One hundred fifty thousand dollars for a candidate
25 for Governor.

26 2. One hundred thousand dollars for a candidate for
27 Cabinet office.

28 (b) Contributions from individuals who at the time of
29 contributing are not state residents may not be used to meet
30 the threshold amounts in paragraph (a). For purposes of this
31

1 paragraph, any person validly registered to vote in this state
2 shall be considered a state resident.

3 (3) Limit loans or contributions from the candidate's
4 personal funds to \$25,000 and contributions from national,
5 state, and county executive committees of a political party to
6 \$25,000 in the aggregate, which loans or contributions shall
7 not qualify for meeting the threshold amounts in subsection
8 (2).

9 (4) Submit to a postelection audit of the campaign
10 account by the office division.

11 Section 52. Subsections (1), (3), and (5) of section
12 106.35, Florida Statutes, are amended to read:

13 106.35 Distribution of funds.--

14 (1) The office division shall review each request for
15 contributions from the Election Campaign Financing Trust Fund
16 and certify whether the candidate is eligible for such
17 contributions. Notice of the certification decision shall be
18 provided to the candidate. An adverse decision may be
19 appealed to the Florida Elections Commission. The office
20 division shall adopt rules providing a procedure for such
21 appeals.

22 (3)(a) Certification and distribution of funds shall
23 be based on contributions to the candidate reported to the
24 office division for such purpose. The office division shall
25 review each report and verify the amount of funds to be
26 distributed prior to authorizing the release of funds. The
27 office division may prescribe separate reporting forms for
28 candidates for Governor and Cabinet officer.

29 (b) Notwithstanding the provisions of s. 106.11, a
30 candidate who is eligible for a distribution of funds based
31 upon qualifying matching contributions received and certified

1 to the office ~~division~~ on the report due on the 4th day prior
2 to the election, may obligate funds not to exceed the amount
3 which the campaign treasurer's report shows the candidate is
4 eligible to receive from the Election Campaign Financing Trust
5 Fund without the funds actually being on deposit in the
6 campaign account.

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

11 (a) Specifications for printed campaign treasurer's
12 reports outlining the format for such reports, including size
13 of paper, typeface, color of print, and placement of required
14 information on the form.

15 (b)1. Specifications for electronically transmitted
16 campaign treasurer's reports outlining communication
17 parameters and protocol, data record formats, and provisions
18 for ensuring security of data and transmission.

19 2. All electronically transmitted campaign treasurer's
20 reports must also be filed in printed format. Printed format
21 shall not include campaign treasurer's reports submitted by
22 electronic facsimile transmission.

23 Section 53. Subsection (4) of section 119.01, Florida
24 Statutes, is amended to read:

25 119.01 General state policy on public records.--

26 (4) Each agency shall establish a program for the
27 disposal of records that do not have sufficient legal, fiscal,
28 administrative, or archival value in accordance with retention
29 schedules established by the records and information
30 management program of the Office of State Library, Archives,
31

1 ~~and Records Division of Library and Information~~ Services of
2 the Department of State.

3 Section 54. Subsection (1) of section 119.041, Florida
4 Statutes, is amended to read:

5 119.041 Destruction of records regulated.--

6 (1) Every public official shall systematically dispose
7 of records no longer needed, subject to the consent of the
8 records and information management program of the Office of
9 State Library, Archives, and Records ~~Division of Library and~~
10 ~~Information~~ Services of the Department of State in accordance
11 with s. 257.36.

12 Section 55. Section 119.05, Florida Statutes, is
13 amended to read:

14 119.05 Disposition of records at end of official's
15 term.--Whoever has the custody of any public records shall, at
16 the expiration of his or her term of office, deliver to his or
17 her successor or, if there be none, to the records and
18 information management program of the Office of State Library,
19 Archives, and Records ~~Division of Library and Information~~
20 Services of the Department of State all records, books,
21 writings, letters, and documents kept or received by him or
22 her in the transaction of official business.

23 Section 56. Section 119.09, Florida Statutes, is
24 amended to read:

25 119.09 Assistance of the ~~Division of Library and~~
26 ~~Information Services, records and information management~~
27 ~~program, of the~~ Department of State.--The Office of State
28 Library, Archives, and Records ~~Division of Library and~~
29 ~~Information~~ Services, records and information management
30 program, of the Department of State shall have the right to
31 examine into the condition of public records and shall give

1 advice and assistance to public officials in the solution of
2 their problems of preserving, creating, filing, and making
3 available the public records in their custody. Public
4 officials shall assist the office ~~division~~ by preparing an
5 inclusive inventory of categories of public records in their
6 custody. The office ~~division~~ shall establish a time period
7 for the retention or disposal of each series of records. Upon
8 the completion of the inventory and schedule, the office
9 ~~division~~ shall (subject to the availability of necessary
10 space, staff, and other facilities for such purposes) make
11 space available in its records center for the filing of
12 semicurrent records so scheduled and in its archives for
13 noncurrent records of permanent value and shall render such
14 other assistance as needed, including the microfilming of
15 records so scheduled.

16 Section 57. Paragraph (a) of subsection (4) of section
17 120.55, Florida Statutes, is amended to read:

18 120.55 Publication.--

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

22 1. One subscription to each federal and state court
23 having jurisdiction over the residents of the state; the
24 Legislative Library; each state university library; the State
25 Library and Archives of Florida; each depository library
26 designated pursuant to s. 257.05; and each standing committee
27 of the Senate and House of Representatives and each state
28 legislator.

29 2. Two subscriptions to each state department.

30 3. Three subscriptions to the library of the Supreme
31 Court of Florida, the library of each state district court of

1 appeal, the division, the library of the Attorney General,
2 each law school library in Florida, the Secretary of the
3 Senate, and the Clerk of the House of Representatives.

4 4. Ten subscriptions to the committee.

5 Section 58. Paragraph (a) of subsection (6) of section
6 193.505, Florida Statutes, is amended to read:

7 193.505 Assessment of historically significant
8 property when development rights have been conveyed or
9 historic preservation restrictions have been covenanted.--

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

12 1. The property is listed on the national register of
13 historic places pursuant to the National Historic Preservation
14 Act of 1966, as amended, 16 U.S.C. s. 470; or is within a
15 certified locally ordinated district pursuant to s.
16 48(g)(3)(B)(ii), Internal Revenue Code; or has been found to
17 be historically significant in accordance with the intent of
18 and for purposes of this section by the Department of State
19 ~~Division of Historical Resources existing~~ under chapter 267,
20 or any successor agency, or by the historic preservation board
21 existing under chapter 266, if any, in the jurisdiction of
22 which the property lies; and

23 2. The owner of the property has applied to such
24 department division or board for qualification pursuant to
25 this section.

26 Section 59. Subsection (6), paragraphs (c) and (d) of
27 subsection (8), subsection (11), and paragraph (b) of
28 subsection (12) of section 196.1997, Florida Statutes, are
29 amended to read:

30 196.1997 Ad valorem tax exemptions for historic
31 properties.--

1 (6) The ordinance shall designate either a local
2 historic preservation office or the ~~Division of Historical~~
3 ~~Resources of the~~ Department of State to review applications
4 for exemptions. The local historic preservation office or the
5 Department of State ~~division~~, whichever is applicable, must
6 recommend that the board of county commissioners or the
7 governing authority of the municipality grant or deny the
8 exemption. Such reviews must be conducted in accordance with
9 rules adopted by the Department of State. The recommendation,
10 and the reasons therefor, must be provided to the applicant
11 and to the governing entity before consideration of the
12 application at an official meeting of the governing entity.
13 For the purposes of this section, local historic preservation
14 offices must be approved and certified by the Department of
15 State.

16 (8) Any person, firm, or corporation that desires an
17 ad valorem tax exemption for the improvement of a historic
18 property must, in the year the exemption is desired to take
19 effect, file with the board of county commissioners or the
20 governing authority of the municipality a written application
21 on a form prescribed by the Department of State. The
22 application must include the following information:

23 (c) Proof, to the satisfaction of the designated local
24 historic preservation office or the Department of State
25 ~~Division of Historical Resources~~, whichever is applicable,
26 that the property that is to be rehabilitated or renovated is
27 a historic property under this section.

28 (d) Proof, to the satisfaction of the designated local
29 historic preservation office or the Department of State
30 ~~Division of Historical Resources~~, whichever is applicable,
31 that the improvements to the property will be consistent with

1 the United States Secretary of Interior's Standards for
2 Rehabilitation and will be made in accordance with guidelines
3 developed by the Department of State.

4 (11) Property is qualified for an exemption under this
5 section if:

6 (a) At the time the exemption is granted, the
7 property:

8 1. Is individually listed in the National Register of
9 Historic Places pursuant to the National Historic Preservation
10 Act of 1966, as amended; or

11 2. Is a contributing property to a
12 national-register-listed district; or

13 3. Is designated as a historic property, or as a
14 contributing property to a historic district, under the terms
15 of a local preservation ordinance; and

16 (b) The local historic preservation office or the
17 Department of State ~~Division of Historical Resources~~,
18 whichever is applicable, has certified to the local governing
19 authority that the property for which an exemption is
20 requested satisfies paragraph (a).

21 (12) In order for an improvement to a historic
22 property to qualify the property for an exemption, the
23 improvement must:

24 (b) Be determined by the Department of State ~~Division~~
25 ~~of Historical Resources~~ or the local historic preservation
26 office, whichever is applicable, to meet criteria established
27 in rules adopted by the Department of State.

28 Section 60. Subsection (2) of section 196.1998,
29 Florida Statutes, is amended to read:

30 196.1998 Additional ad valorem tax exemptions for
31 historic properties open to the public.--

1 (2) In addition to meeting the criteria established in
2 rules adopted by the Department of State under s. 196.1997, a
3 historic property is qualified for an exemption under this
4 section if the Department of State ~~Division of Historical~~
5 ~~Resources~~, or the local historic preservation office,
6 whichever is applicable, determines that the property meets
7 the criteria established in rules adopted by the Department of
8 State under this section.

9 Section 61. Paragraph (q) of subsection (4) of section
10 215.20, Florida Statutes, is amended to read:

11 215.20 Certain income and certain trust funds to
12 contribute to the General Revenue Fund.--

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

17 (q) Within the Department of State:

18 1. The Records Management Trust Fund.

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

21
22 The enumeration of the foregoing moneys or trust funds shall
23 not prohibit the applicability thereto of s. 215.24 should the
24 Governor determine that for the reasons mentioned in s. 215.24
25 the money or trust funds should be exempt herefrom, as it is
26 the purpose of this law to exempt income from its force and
27 effect when, by the operation of this law, federal matching
28 funds or contributions or private grants to any trust fund
29 would be lost to the state.

30 Section 62. Paragraph (e) of subsection (7) of section
31 253.025, Florida Statutes, is amended to read:

1 253.025 Acquisition of state lands for purposes other
2 than preservation, conservation, and recreation.--

3 (7)

4 (e)1. The board of trustees shall adopt by rule the
5 method for determining the value of parcels sought to be
6 acquired by state agencies pursuant to this section. No offer
7 by a state agency, except an offer by an agency acquiring
8 lands pursuant to s. 259.041, may exceed the value for that
9 parcel as determined pursuant to the highest approved
10 appraisal or the value determined pursuant to the rules of the
11 board of trustees, whichever value is less.

12 2. In the case of a joint acquisition by a state
13 agency and a local government or other entity apart from the
14 state, the joint purchase price may not exceed 150 percent of
15 the value for a parcel as determined in accordance with the
16 limits prescribed in subparagraph 1. The state agency share of
17 a joint purchase offer may not exceed what the agency may
18 offer singly as prescribed by subparagraph 1.

19 3. The provisions of this paragraph do not apply to
20 the acquisition of historically unique or significant property
21 as determined by the ~~Division of Historical Resources of the~~
22 Department of State.

23 Section 63. Subsection (6) of section 253.027, Florida
24 Statutes, is amended to read:

25 253.027 Emergency archaeological property
26 acquisition.--

27 (6) INITIATION OF PURCHASE.--The Board of Trustees of
28 the Internal Improvement Trust Fund shall consider the
29 purchase of lands pursuant to this section upon its own motion
30 or upon a written request by any person, corporation,
31

1 organization, or agency. The request shall contain the
2 following information:

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

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

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

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

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

14 (f) A statement showing why the property is
15 archaeological property of major statewide significance that
16 meets the criteria for purchase within the requirements of
17 this section.

18 (g) If archaeological resources are sought to be
19 protected from the result of imminent construction activities,
20 a list of the local, state, or federal laws that might
21 otherwise be available to protect the resource, and a short
22 statement of the reason the laws are not available to protect
23 the resource.

24

25 The written request shall be filed with the Division of State
26 Lands and the Department of State ~~Division of Historical~~
27 ~~Resources~~. If the director of the ~~either~~ division or the
28 director's designee or the Secretary of State or the
29 secretary's designee finds that the request substantially
30 complies with the requirements of this section, it shall be
31 placed on the next Board of Trustees of the Internal

1 Improvement Trust Fund agenda following receipt without the
2 need for notice; provided, however, that each Cabinet officer
3 shall have received copies of the request at least 24 hours
4 before the meeting. Should the Board of Trustees of the
5 Internal Improvement Trust Fund agree to consider the request,
6 it shall approve a plan for future actions that may lead to
7 acquisition of the property as soon as possible thereafter.

8 Section 64. Section 257.01, Florida Statutes, is
9 amended to read:

10 257.01 State Library and Archives of Florida;
11 creation; administration.--There is created and established
12 the State Library and Archives of Florida which shall be
13 located at the capital. The State Library and Archives of
14 Florida shall be administered by the Office of State Library,
15 Archives, and Records ~~Division of Library and Information~~
16 Services of the Department of State.

17 Section 65. Section 257.02, Florida Statutes, is
18 amended to read:

19 257.02 State Library Council.--

20 (1) There shall be a State Library Council to advise
21 and assist the Office of State Library, Archives, and Records
22 ~~Division of Library and Information~~ Services on its programs
23 and activities. The council shall consist of nine ~~seven~~
24 members who shall be appointed by the Secretary of State. At
25 least one member of the council must represent a Florida
26 library, an archive, and a records management professional
27 ~~association be a person who is 60 years of age or older;~~ and
28 at least one member of the council must be a person who is
29 not, and has never been, employed in a library or in teaching
30 library science courses. Members shall be appointed for 4-year
31 terms. A vacancy on the council shall be filled for the period

1 of the unexpired term. No person may be appointed to serve
2 more than two consecutive terms as a member of the council.
3 The Secretary of State may remove from office any council
4 member for malfeasance, misfeasance, neglect of duty,
5 incompetence, permanent inability to perform official duties,
6 or pleading guilty or nolo contendere to, or being found
7 guilty of, a felony. ~~In addition to, and at the request of,~~
8 ~~the members of the council appointed by the Secretary of~~
9 ~~State, the president-elect of the Florida Library Association~~
10 ~~may serve as a member of the council in a nonvoting capacity~~
11 ~~during his or her term as president-elect.~~

12 (2) Members of the council shall serve without
13 compensation or honorarium but shall be entitled to receive
14 reimbursement for per diem and travel expenses as provided in
15 s. 112.061. The council shall meet at the call of its chair,
16 at the request of a majority of its membership, at the request
17 of the Secretary of State division, or at such times as are
18 ~~may be~~ prescribed by its rules.

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

24 (4) The officers of the State Library Council shall be
25 a chair, elected from the members thereof, and the State
26 Librarian, who shall serve without voting rights as secretary
27 of the council.

28 Section 66. Section 257.031, Florida Statutes, is
29 amended to read:

30 257.031 State Librarian Organization of council;
31 appointment and duties ~~of State Librarian.~~--

1 (1) ~~The officers of the State Library Council shall be~~
2 ~~a chair, elected from the members thereof, and the State~~
3 ~~Librarian, who shall serve without voting rights as secretary~~
4 ~~of the council.~~ The State Librarian shall be appointed by the
5 Secretary of State, shall have completed a library school
6 program accredited by the American Library Association, and
7 shall serve as the head director of the Office of State
8 Library, Archives, and Records ~~Division of Library and~~
9 ~~Information~~ Services of the Department of State. The
10 Secretary of State may, in making the appointment of State
11 Librarian, consult the members of the State Library Council.

12 (2) The State Librarian shall:

13 (a) Keep a record of the proceedings of the State
14 Library Council;

15 (b) In coordination with established advisory bodies
16 of the department, recommend to the Secretary of State
17 approval of the award of library grants under ss.
18 257.14-257.25 and ss. 257.40-257.42 ~~Keep an accurate account~~
19 ~~of the financial transactions of the division;~~

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

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

26 (e) Manage operations of the library-development,
27 archives, information, and records management programs.

28 Section 67. Section 257.04, Florida Statutes, is
29 amended to read:

30 257.04 Publications, pictures, and other documents
31 received to constitute part of State Library and Archives of

1 Florida; powers and duties of Department of State ~~Division of~~
2 ~~Library and Information Services~~.--

3 (1) All books, pictures, documents, publications, and
4 manuscripts received through gifts, purchase, or exchange, or
5 on deposit from any source for the use of the state, shall
6 constitute a part of the State Library and Archives of Florida
7 and shall be placed therein for the use of the public under
8 the control of the ~~Division of Library and Information~~
9 ~~Services of the~~ Department of State. The department ~~division~~
10 may receive gifts of money, books, or other property which may
11 be used or held for the purpose or purposes given; and it may
12 purchase books, periodicals, furniture, and equipment as it
13 deems necessary to promote the efficient operation of the
14 service it is expected to render the public.

15 (2) The department ~~division~~ may, upon request, give
16 aid and assistance, financial, advisory, or otherwise, to all
17 school, state institutional, academic, free, and public
18 libraries, and to all communities in the state which may
19 propose to establish libraries, as to the best means of
20 establishing and administering libraries, selecting and
21 cataloging books, and other facets of library management.

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

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

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

31

1 (6) The department ~~division~~ may issue printed
2 material, such as lists and circulars of information, and in
3 the publication thereof may cooperate with state library
4 commissions and libraries of other states in order to secure
5 the more economical administration of the work for which it is
6 formed. It may conduct courses of library instruction and
7 hold librarians' institutes in various parts of the state.

8 (7) The department ~~division~~ shall perform such other
9 services and engage in any other activity, not contrary to
10 law, that it may think appropriate in the development of
11 library service to state government, to the libraries and
12 library profession of the state, and to the citizens of the
13 state.

14 Section 68. Section 257.05, Florida Statutes, is
15 amended to read:

16 257.05 Public documents; delivery to, and distribution
17 by, Office of State Library, Archives, and Records Services
18 ~~division~~.--

19 (1) The term "public document" as used in this section
20 means any document, report, directory, bibliography, rule,
21 newsletter, pamphlet, brochure, periodical, or other
22 publication, whether in print or nonprint format, that is paid
23 for in whole or in part by funds appropriated by the
24 Legislature and may be subject to distribution to the public;
25 however, the term excludes publications for internal use by an
26 executive agency as defined in s. 283.30.

27 (2)(a) Each state official, state department, state
28 board, state court, or state agency issuing public documents
29 shall furnish the ~~Division of Library and Information Services~~
30 ~~of the~~ Department of State 35 copies of each of those public
31 documents, as issued, for deposit in and distribution by the

1 department ~~division~~. However, if the department ~~division~~ so
2 requests, as many as 15 additional copies of each public
3 document shall be supplied to it.

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

9 (c) As issued, daily journals and bound journals of
10 each house of the Legislature; slip laws and bound session
11 laws, both general and special; and Florida Statutes and
12 supplements thereto shall be furnished to the department
13 ~~division~~ by the state official, department, or agency having
14 charge of their distribution. The number of copies furnished
15 shall be determined by requests of the department ~~division~~,
16 which number in no case may exceed 35 copies of the particular
17 publication.

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

19 (a) Designate university, college, and public
20 libraries as depositories for public documents and to
21 designate certain of these depositories as regional centers
22 for full collections of public documents.

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

25 (c) Publish a periodic bibliography of the
26 publications of the state.

27

28 The department ~~division~~ may exchange copies of public
29 documents for those of other states, territories, and
30 countries. Depositories receiving public documents under this
31

1 section shall keep them in a convenient form accessible to the
2 public.

3 Section 69. Section 257.12, Florida Statutes, is
4 amended to read:

5 257.12 Department of State ~~Division of Library and~~
6 ~~Information Services~~ authorized to accept and expend federal
7 funds.--

8 (1) The Office of State Library, Archives, and Records
9 ~~Division of Library and Information Services~~ of the Department
10 of State is designated as the state library administrative
11 agency authorized to accept, receive, administer, and expend
12 any moneys, materials, or any other aid granted, appropriated,
13 or made available by the United States or any of its agencies
14 for the purpose of giving aid to libraries and providing
15 educational library service in the state.

16 (2) The department ~~division~~ is authorized to file any
17 accounts required by federal law or regulation with reference
18 to receiving and administering all such moneys, materials, and
19 other aid for said purposes; provided, however, that the
20 acceptance of such moneys, materials, and other aid shall not
21 deprive the state from complete control and supervision of its
22 library.

23 Section 70. Section 257.14, Florida Statutes, is
24 amended to read:

25 257.14 Department of State ~~Division of Library and~~
26 ~~Information Services~~; rules.--The Department of State ~~Division~~
27 ~~of Library and Information Services~~ has authority to adopt
28 rules pursuant to ss. 120.536(1) and 120.54 to implement the
29 provisions of this chapter.

30 Section 71. Section 257.15, Florida Statutes, is
31 amended to read:

1 257.15 Department of State ~~Division of Library and~~
2 ~~Information Services~~; standards.--The Department of State
3 ~~Division of Library and Information Services~~ shall establish
4 reasonable and pertinent operating standards under which
5 libraries will be eligible to receive state moneys.

6 Section 72. Section 257.16, Florida Statutes, is
7 amended to read:

8 257.16 Reports.--Any library receiving grants under
9 ss. 257.14-257.25 shall file with the Department of State
10 ~~Division of Library and Information Services~~ on or before
11 December 1 of each year a financial report on its operations
12 and furnish the department ~~division~~ with such other
13 information as the department requires ~~division may require~~.

14 Section 73. Section 257.171, Florida Statutes, is
15 amended to read:

16 257.171 Multicounty libraries.--Units of local
17 government, as defined in s. 165.031(1), may establish a
18 multicounty library. The Department of State ~~Division of~~
19 ~~Library and Information Services~~ may establish operating
20 standards and rules under which a multicounty library is
21 eligible to receive state moneys. For a multicounty library,
22 a local government may pay moneys in advance in lump sum from
23 its public funds for the provision of library services only.

24 Section 74. Subsections (1) and (2) of section
25 257.172, Florida Statutes, is amended to read:

26 257.172 Multicounty library grants.--

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

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

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

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

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

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

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

16 (2) In addition, the administrative unit of a
17 multicounty library with three or more participating counties
18 is eligible to receive a base grant of a minimum of \$250,000
19 to support multicounty library service. That amount may be
20 adjusted by the department ~~division~~ based on the percentage
21 change in the state and local government price deflator for
22 purchases of goods and services, all items, 1983 equals 100,
23 or successor reports for the preceding calendar year as
24 initially reported by the Bureau of Economic Analysis of the
25 United States Department of Commerce, as certified by the
26 Florida Consensus Estimating Conference.

27 Section 75. Subsection (3) of section 257.18, Florida
28 Statutes, is amended to read:

29 257.18 Equalization grants.--

30 (3) The Department of State ~~Division of Library and~~
31 ~~Information Services~~ shall calculate equalization grants based

1 on the amount of local funds expended for library service the
2 second preceding year as certified by the appropriate county
3 officials and information on the level of assessment of
4 property in each county and the taxable value of property in
5 each county as reported by the state agency authorized by law,
6 which shall certify the results of such determination to the
7 department division.

8 Section 76. Section 257.191, Florida Statutes, is
9 amended to read:

10 257.191 Construction grants.--The Department of State
11 ~~Division of Library and Information Services~~ may accept and
12 administer library construction moneys appropriated to it and
13 shall allocate such appropriation to municipal, county, and
14 regional libraries in the form of library construction grants
15 on a matching basis. The local matching portion shall be no
16 less than the grant amount, on a dollar-for-dollar basis, up
17 to the maximum grant amount, unless the matching requirement
18 is waived by s. 288.06561. Initiation of a library
19 construction project 12 months or less prior to the grant
20 award under this section shall not affect the eligibility of
21 an applicant to receive a library construction grant. The
22 department division shall adopt rules for the administration
23 of library construction grants. For the purposes of this
24 section, s. 257.21 does not apply.

25 Section 77. Section 257.192, Florida Statutes, is
26 amended to read:

27 257.192 Program grants.--The Department of State
28 ~~Division of Library and Information Services~~ is authorized to
29 accept and administer appropriations for library program
30 grants and to make such grants in accordance with the Florida
31 long-range plan program for library services.

1 Section 78. Subsection (4) of section 257.193, Florida
2 Statutes, is amended to read:

3 257.193 Community Libraries in Caring Program.--

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

9 Section 79. Section 257.195, Florida Statutes, is
10 amended to read:

11 257.195 Revenue shortfalls; procedures.--In the event
12 of revenue shortfalls which necessitate budget reductions
13 during any fiscal year, the total appropriation for library
14 grants from state sources shall have the same ratable
15 reduction as that applied to the operating funds of the
16 Department of State ~~Division of Library and Information~~
17 ~~Services~~ or such reduction shall be at the discretion of the
18 Secretary of State.

19 Section 80. Section 257.22, Florida Statutes, is
20 amended to read:

21 257.22 Department of State ~~Division of Library and~~
22 ~~Information Services~~; allocation of funds.--Any moneys that
23 may be appropriated for use by a county, a municipality, a
24 special district, or a special tax district for the
25 maintenance of a library or library service shall be
26 administered and allocated by the Department of State ~~Division~~
27 ~~of Library and Information Services~~ in the manner prescribed
28 by law. On or before December 1 of each year, the department
29 ~~division~~ shall certify to the Chief Financial Officer the
30 amount to be paid to each county, municipality, special
31 district, or special tax district, and the Chief Financial

1 Officer shall issue warrants to the eligible political
2 subdivisions.

3 Section 81. Section 257.23, Florida Statutes, is
4 amended to read:

5 257.23 Application for grant.--The board of county
6 commissioners of any county, the chief executive officer of a
7 municipality, or the governing body of a special district or a
8 special tax district desiring to receive a grant under the
9 provisions of ss. 257.14-257.25 shall apply therefor to the
10 Department of State ~~Division of Library and Information~~
11 ~~Services~~ on or before October 1 of each year on a form to be
12 provided by the department ~~division~~. The application shall be
13 signed by the chair of the board of county commissioners and
14 attested by the clerk of the circuit court or the appropriate
15 officer in a charter county, by the chief executive officer of
16 a municipality and attested by the clerk of the municipality,
17 or by the chair of the governing body and attested by the
18 chief financial officer of a special district or a special tax
19 district. The county, municipality, special district, or
20 special tax district shall agree to observe the standards
21 established by the department ~~division~~ as authorized in s.
22 257.15. On or before December 1 each year, the applicant shall
23 certify the annual tax income and the rate of tax or the
24 annual appropriation for the free library or free library
25 service, and shall furnish such other pertinent information as
26 the department requires ~~division may require~~.

27 Section 82. Section 257.24, Florida Statutes, is
28 amended to read:

29 257.24 Use of funds.--State funds allocated to
30 libraries shall be expended only for library purposes in the
31 manner prescribed by the Department of State ~~Division of~~

1 ~~Library and Information Services~~. Such funds shall not be
2 expended for the purchase or construction of a library
3 building or library quarters, except such funds specifically
4 appropriated for construction purposes as provided in this
5 chapter.

6 Section 83. Section 257.30, Florida Statutes, is
7 amended to read:

8 257.30 State library agency.--As used in the compact,
9 "state library agency," with reference to this state, means
10 the Florida State Library and Archives of Florida or agency
11 designated by the Secretary of State.

12 Section 84. Section 257.34, Florida Statutes, is
13 amended to read:

14 257.34 Florida International Archive and Repository.--

15 (1) There is created within the Office of State
16 Library, Archives, and Records ~~Division of Library and~~
17 ~~Information~~ Services of the Department of State the Florida
18 International Archive and Repository for the preservation of
19 those public records, as defined in s. 119.011(1),
20 manuscripts, international judgments involving disputes
21 between domestic and foreign businesses, and all other public
22 matters that the department or the Florida Council of
23 International Development deems relevant to international
24 issues. It is the duty and responsibility of the department
25 ~~division~~ to:

26 (a) Organize and administer the Florida International
27 Archive and Repository.

28 (b) Preserve and administer records that are
29 transferred to its custody; accept, arrange, and preserve
30 them, according to approved archival and repository practices;
31 and permit them, at reasonable times and under the supervision

1 of the department ~~division~~, to be inspected, examined, and
2 copied. All public records transferred to the custody of the
3 department ~~division~~ are subject to the provisions of s.
4 119.07(1).

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

7 (d) Cooperate with and assist, insofar as practicable,
8 state institutions, departments, agencies, counties,
9 municipalities, and individuals engaged in internationally
10 related activities.

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

14 (f) Conduct, promote, and encourage research in
15 international trade, government, and culture and maintain a
16 program of information, assistance, coordination, and guidance
17 for public officials, educational institutions, libraries, the
18 scholarly community, and the general public engaged in such
19 research.

20 (g) Cooperate with and, insofar as practicable, assist
21 agencies, libraries, institutions, and individuals in projects
22 concerned with internationally related issues and preserve
23 original materials relating to internationally related issues.

24 (h) Assist and cooperate with the records and
25 information management program in the training and information
26 program described in s. 257.36(1)(g).

27 (2) Any agency is authorized and empowered to turn
28 over to the department ~~division~~ any record no longer in
29 current official use. The department ~~division~~ may accept such
30 record and provide for its administration and preservation as
31 provided in this section and, upon acceptance, be considered

1 the legal custodian of such record. The department ~~division~~
2 may direct and effect the transfer to the archives of any
3 records that are determined by the department ~~division~~ to have
4 such historical or other value to warrant their continued
5 preservation or protection, unless the head of the agency that
6 has custody of the records certifies in writing to the
7 department ~~division~~ that the records must be retained in the
8 agency's custody for use in the conduct of the regular current
9 business of the agency.

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

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

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

23 (6) The department ~~division~~ shall establish and
24 maintain a mechanism by which the information contained within
25 the Florida International Archive and Repository may be
26 accessed by computer via the World Wide Web. In doing so, the
27 department ~~division~~ shall take whatever measures it deems
28 appropriate to ensure the validity, quality, and safety of the
29 information being accessed.

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

1 (8) The Florida Council of International Development
2 may select materials for inclusion in the Florida
3 International Archive and Repository and shall be consulted
4 closely by the department ~~division~~ in all matters relating to
5 its establishment and maintenance.

6 Section 85. Section 257.35, Florida Statutes, is
7 amended to read:

8 257.35 Florida State Archives.--

9 (1) There is created within the ~~Division of Library~~
10 ~~and Information Services of the~~ Department of State the
11 Florida State Library and Archives of Florida for the
12 preservation of those public records, as defined in s.
13 119.011(1), manuscripts, and other archival material that have
14 been determined by the department ~~division~~ to have sufficient
15 historical or other value to warrant their continued
16 preservation and have been accepted by the department ~~division~~
17 for deposit in its custody. It is the duty and responsibility
18 of the department ~~division~~ to:

19 (a) Organize and administer the ~~Florida~~ State Library
20 and Archives of Florida.

21 (b) Preserve and administer such records as shall be
22 transferred to its custody; accept, arrange, and preserve
23 them, according to approved archival practices; and permit
24 them, at reasonable times and under the supervision of the
25 department ~~division~~, to be inspected, examined, and copied.
26 All public records transferred to the custody of the
27 department ~~division~~ shall be subject to the provisions of s.
28 119.07(1), except that any public record or other record
29 provided by law to be confidential or prohibited from
30 inspection by the public shall be made accessible only after a
31 period of 50 years from the date of the creation of the

1 record. Any nonpublic manuscript or other archival material
2 which is placed in the keeping of the department ~~division~~
3 under special terms and conditions, shall be made accessible
4 only in accordance with such law terms and conditions and
5 shall be exempt from the provisions of s. 119.07(1) to the
6 extent necessary to meet the terms and conditions for a
7 nonpublic manuscript or other archival material.

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

10 (d) Cooperate with and assist insofar as practicable
11 state institutions, departments, agencies, counties,
12 municipalities, and individuals engaged in activities in the
13 field of state archives, manuscripts, and history and accept
14 from any person any paper, book, record, or similar material
15 which in the judgment of the department ~~division~~ warrants
16 preservation in the state archives.

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

20 (f) Conduct, promote, and encourage research in
21 Florida history, government, and culture and maintain a
22 program of information, assistance, coordination, and guidance
23 for public officials, educational institutions, libraries, the
24 scholarly community, and the general public engaged in such
25 research.

26 (g) Cooperate with and, insofar as practicable, assist
27 agencies, libraries, institutions, and individuals in projects
28 designed to preserve original source materials relating to
29 Florida history, government, and culture and prepare and
30 publish handbooks, guides, indexes, and other literature
31

1 directed toward encouraging the preservation and use of the
2 state's documentary resources.

3 (h) Encourage and initiate efforts to preserve,
4 collect, process, transcribe, index, and research the oral
5 history of Florida government.

6 (i) Assist and cooperate with the records and
7 information management program in the training and information
8 program described in s. 257.36(1)(g).

9 (2) Any agency is authorized and empowered to turn
10 over to the department ~~division~~ any record no longer in
11 current official use. The department ~~division~~, in its
12 discretion, is authorized to accept such record and, having
13 done so, shall provide for its administration and preservation
14 as herein provided and, upon acceptance, shall be considered
15 the legal custodian of such record. The department ~~division~~
16 is empowered to direct and effect the transfer to the archives
17 of any records that are determined by the department ~~division~~
18 to have such historical or other value to warrant their
19 continued preservation or protection, unless the head of the
20 agency which has custody of the records certifies in writing
21 to the department ~~division~~ that the records shall be retained
22 in the agency's custody for use in the conduct of the regular
23 current business of the agency.

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

27 (4) The department ~~division~~ shall make certified
28 copies under seal of any record transferred to it upon the
29 application of any person, and said certificates shall have
30 the same force and effect as if made by the agency from which
31

1 the record was received. The department ~~division~~ may charge a
2 fee for this service based upon the cost of service.

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

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

11 (a) Acquire, identify, appraise, arrange, index,
12 restore, and preserve photographs, motion pictures, drawings,
13 and other iconographic material considered appropriate for
14 preservation.

15 (b) Initiate appropriate action to acquire, identify,
16 preserve, recover, and restore photographs, motion pictures,
17 and other iconographic material considered appropriate for
18 preservation.

19 (c) Provide for an index to the historical
20 photographic holdings of the Florida State Photographic
21 Collection and the State of Florida.

22
23 Any use or reproduction of material deposited with the Florida
24 State Photographic Collection shall be allowed pursuant to the
25 provisions of paragraph (1)(b) and subsection (4) provided
26 that appropriate credit for its use is given.

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

30 Section 86. Section 257.36, Florida Statutes, is
31 amended to read:

1 257.36 Records and information management.--

2 (1) There is created within the ~~Division of Library~~
3 ~~and Information Services of the~~ Department of State a records
4 and information management program. It is the duty and
5 responsibility of the department division to:

6 (a) Establish and administer a records management
7 program directed to the application of efficient and
8 economical management methods relating to the creation,
9 utilization, maintenance, retention, preservation, and
10 disposal of records.

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

16 (c) Analyze, develop, establish, and coordinate
17 standards, procedures, and techniques of recordmaking and
18 recordkeeping.

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

21 (e) Establish safeguards against unauthorized or
22 unlawful removal or loss of records.

23 (f) Initiate appropriate action to recover records
24 removed unlawfully or without authorization.

25 (g) Institute and maintain a training and information
26 program in:

27 1. All phases of records and information management to
28 bring approved and current practices, methods, procedures, and
29 devices for the efficient and economical management of records
30 to the attention of all agencies.

31

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

3 (h) Provide a centralized program of microfilming for
4 the benefit of all agencies.

5 (i) Make continuous surveys of recordkeeping
6 operations.

7 (j) Recommend improvements in current records
8 management practices, including the use of space, equipment,
9 supplies, and personnel in creating, maintaining, and
10 servicing records.

11 (k) Establish and maintain a program in cooperation
12 with each agency for the selection and preservation of records
13 considered essential to the operation of government and to the
14 protection of the rights and privileges of citizens.

15 (l) Make, or have made, preservation duplicates, or
16 designate existing copies as preservation duplicates, to be
17 preserved in the place and manner of safekeeping as prescribed
18 by the department division.

19 (2)(a) All records transferred to the department
20 division may be held by it in a records center or centers, to
21 be designated by it, for such time as in its judgment
22 retention therein is deemed necessary. At such time as it is
23 established by the department division, such records as are
24 determined by it as having historical or other value
25 warranting continued preservation shall be transferred to the
26 Florida State Library and Archives of Florida.

27 (b) Title to any record detained in any records center
28 shall remain in the agency transferring such record to the
29 department division.

30 (c) When a record held in a records center is eligible
31 for destruction, the department division shall notify, in

1 writing, by certified mail, the agency which transferred the
2 record. The agency shall have 90 days from receipt of that
3 notice to respond requesting continued retention or
4 authorizing destruction or disposal of the record. If the
5 agency does not respond within that time, title to the record
6 shall pass to the department ~~division~~.

7 (3) The department ~~division~~ may charge fees for
8 supplies and services, including, but not limited to, shipping
9 containers, pickup, delivery, reference, and storage. Fees
10 shall be based upon the actual cost of the supplies and
11 services and shall be deposited in the Records Management
12 Trust Fund.

13 (4) Any preservation duplicate of any record made
14 pursuant to this chapter shall have the same force and effect
15 for all purposes as the original record. A transcript,
16 exemplification, or certified copy of such preservation
17 duplicate shall be deemed, for all purposes, to be a
18 transcript, exemplification, or certified copy of the original
19 record.

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

25 (a) Cooperate with the department ~~division~~ in
26 complying with the provisions of this chapter and designate a
27 records management liaison officer.

28 (b) Establish and maintain an active and continuing
29 program for the economical and efficient management of
30 records.

31

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

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

10 (b) Procedures for the physical destruction or other
11 disposal of records.

12 (c) Standards for the reproduction of records for
13 security or with a view to the disposal of the original
14 record.

15 Section 87. Section 257.37, Florida Statutes, is
16 amended to read:

17 257.37 Legislative intent.--In enacting this law, the
18 Legislature is cognizant of the fact that there may be
19 instances where an agency may be microfilming and destroying
20 public records or performing other records management programs
21 pursuant to local or special acts. The Legislature is further
22 aware that it may not be possible to implement this chapter in
23 its entirety immediately upon its enactment, and it is not the
24 legislative intent by this chapter to disrupt the orderly
25 microfilming and destruction of public records pursuant to
26 such local or special acts above referred to, provided that
27 such agencies make no further disposition of public records
28 without approval of the ~~Division of Library and Information~~
29 ~~Services of the~~ Department of State pursuant to such rules and
30 regulations as it establishes ~~may establish~~.

31

1 Section 88. Section 257.375, Florida Statutes, is
2 amended to read:

3 257.375 Records Management Trust Fund.--There is
4 ~~hereby~~ created within the Department of State ~~Division of~~
5 ~~Library and Information Services~~ a Records Management Trust
6 Fund which shall consist of fees collected for records
7 management and archival services. Funds deposited in the
8 Records Management Trust Fund shall be used to support the
9 programs of the state archives and records and information
10 management programs.

11 Section 89. Subsections (2) and (3) of section 257.41,
12 Florida Statutes, are amended to read:

13 257.41 Library cooperatives; organization; receipt of
14 state moneys.--

15 (2) ~~The Division of Library and Information Services~~
16 ~~of the~~ Department of State shall establish operating standards
17 and rules under which a library cooperative is eligible to
18 receive state moneys. ~~The division shall issue a certificate~~
19 ~~to each library cooperative that meets the standards and rules~~
20 ~~established under this subsection.~~

21 (3) A library cooperative that receives state moneys
22 under ss. 257.40-257.42 shall file with the Department of
23 State ~~Division of Library and Information Services~~ on or
24 before December 1 of each year a financial report on its
25 operations and furnish the department ~~division~~ with such other
26 information as the department ~~division~~ requires.

27 Section 90. Section 257.42, Florida Statutes, is
28 amended to read:

29 257.42 Library cooperative grants.--The administrative
30 unit of a library cooperative is eligible to receive an annual
31 grant from the state of not more than \$400,000 for the purpose

1 of sharing library resources based upon an annual plan of
2 service and expenditure and an annually updated 5-year,
3 long-range plan of cooperative library resource sharing.
4 Those plans, which must include a component describing how the
5 cooperative will share technology and the use of technology,
6 must be submitted to the ~~Division of Library and Information~~
7 ~~Services of the~~ Department of State for evaluation and
8 possible recommendation for funding in the department's
9 ~~division's~~ legislative budget request. Grant funds may not be
10 used to supplant local funds or other funds. A library
11 cooperative must provide from local sources matching cash
12 funds equal to 10 percent of the grant award.

13 Section 91. Paragraph (a) of subsection (5) of section
14 258.007, Florida Statutes, is amended to read:

15 258.007 Powers of division.--

16 (5)(a) The division, in cooperation with the ~~Division~~
17 ~~of Historical Resources of the~~ Department of State, is
18 authorized and empowered to select and designate, within the
19 state park system, sites of historic interest and value and to
20 erect and maintain appropriate signs or markers indicating
21 said sites upon public property as well as upon private
22 property where permission is obtained.

23 Section 92. Paragraph (a) of subsection (7) of section
24 258.501, Florida Statutes, is amended to read:

25 258.501 Myakka River; wild and scenic segment.--

26 (7) MANAGEMENT COORDINATING COUNCIL.--

27 (a) Upon designation, the department shall create a
28 permanent council to provide interagency and intergovernmental
29 coordination in the management of the river. The coordinating
30 council shall be composed of one representative appointed from
31 each of the following: the department, the Department of

1 Transportation, the Fish and Wildlife Conservation Commission,
2 the Department of Community Affairs, the Division of Forestry
3 of the Department of Agriculture and Consumer Services, the
4 ~~Division of Historical Resources of the~~ Department of State,
5 the Tampa Bay Regional Planning Council, the Southwest Florida
6 Water Management District, the Southwest Florida Regional
7 Planning Council, Manatee County, Sarasota County, Charlotte
8 County, the City of Sarasota, the City of North Port,
9 agricultural interests, environmental organizations, and any
10 others deemed advisable by the department.

11 Section 93. Paragraph (b) of subsection (1) of section
12 259.035, Florida Statutes, is amended to read:

13 259.035 Acquisition and Restoration Council.--

14 (1) There is created the Acquisition and Restoration
15 Council.

16 (b) The five remaining appointees shall be composed of
17 the Secretary of Environmental Protection, the director of the
18 Division of Forestry of the Department of Agriculture and
19 Consumer Services, the executive director of the Fish and
20 Wildlife Conservation Commission, the Secretary ~~director of~~
21 ~~the Division of Historical Resources of the Department of~~
22 State, and the secretary of the Department of Community
23 Affairs, or their respective designees.

24 Section 94. Subsection (1) of section 259.307, Florida
25 Statutes, is amended to read:

26 259.037 Land Management Uniform Accounting Council.--

27 (1) The Land Management Uniform Accounting Council is
28 created within the Department of Environmental Protection and
29 shall consist of the director of the Division of State Lands,
30 the director of the Division of Recreation and Parks, the
31 director of the Office of Coastal and Aquatic Managed Areas,

1 and the director of the Office of Greenways and Trails of the
2 Department of Environmental Protection; the director of the
3 Division of Forestry of the Department of Agriculture and
4 Consumer Services; the executive director of the Fish and
5 Wildlife Conservation Commission; and the Secretary ~~director~~
6 ~~of the Division of Historical Resources of the Department of~~
7 State, or their respective designees. Each state agency
8 represented on the council shall have one vote. The chair of
9 the council shall rotate annually in the foregoing order of
10 state agencies. The agency of the representative serving as
11 chair of the council shall provide staff support for the
12 council. The Division of State Lands shall serve as the
13 recipient of and repository for the council's documents. The
14 council shall meet at the request of the chair.

15 Section 95. Paragraph (d) of subsection (1) and
16 subsection (4) of section 260.0142, Florida Statutes, are
17 amended to read:

18 260.0142 Florida Greenways and Trails Council;
19 composition; powers and duties.--

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

25 (d) The 10 remaining members shall include:

- 26 1. The Secretary of Environmental Protection or a
27 designee;
- 28 2. The executive director of the Fish and Wildlife
29 Conservation Commission or a designee;
- 30 3. The Secretary of Community Affairs or a designee;
- 31 4. The Secretary of Transportation or a designee;

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

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

5 7. A representative of the water management districts
6 who shall serve for 1 year. Membership on the council shall
7 rotate among the five districts. The districts shall determine
8 the order of rotation;

9 8. A representative of a federal land management
10 agency. The Secretary of Environmental Protection shall
11 identify the appropriate federal agency and request
12 designation of a representative from the agency to serve on
13 the council;

14 9. A representative of the regional planning councils
15 to be appointed by the Secretary of Environmental Protection,
16 in consultation with the Secretary of Community Affairs, for a
17 single 2-year term. The representative shall not be selected
18 from the same regional planning council for successive terms;
19 and

20 10. A representative of local governments to be
21 appointed by the Secretary of Environmental Protection, in
22 consultation with the Secretary of Community Affairs, for a
23 single 2-year term. Membership shall alternate between a
24 county representative and a municipal representative.

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

27 (a) Advise the Department of Environmental Protection,
28 the Department of Community Affairs, the Department of
29 Transportation, the Fish and Wildlife Conservation Commission,
30 the Division of Forestry of the Department of Agriculture and
31 Consumer Services, the water management districts, and the

1 regional planning councils on policies relating to the Florida
2 Greenways and Trails System, and promote intergovernmental
3 cooperation;

4 (b) Facilitate a statewide system of interconnected
5 landscape linkages, conservation corridors, greenbelts,
6 recreational corridors and trails, scenic corridors,
7 utilitarian corridors, reserves, regional parks and preserves,
8 ecological sites, and cultural/historic/recreational sites;

9 (c) Facilitate a statewide system of interconnected
10 land-based trails that connect urban, suburban, and rural
11 areas of the state and facilitate expansion of the statewide
12 system of freshwater and saltwater paddling trails;

13 (d) Recommend priorities for critical links in the
14 Florida Greenways and Trails System;

15 (e) Review applications for acquisition funding under
16 the Florida Greenways and Trails Program and recommend to the
17 Secretary of Environmental Protection which projects should be
18 acquired;

19 (f) Provide funding recommendations to agencies and
20 organizations regarding the acquisition, development, and
21 management of greenways and trails, including the promotion of
22 private landowner incentives;

23 (g) Review designation proposals for inclusion in the
24 Florida Greenways and Trails System;

25 (h) Provide advocacy and education to benefit the
26 statewide system of greenways and trails by encouraging
27 communication and conferencing;

28 (i) Encourage public-private partnerships to develop
29 and manage greenways and trails;

30 (j) Review progress toward meeting established
31 benchmarks and recommend appropriate action;

1 (k) Make recommendations for updating and revising the
2 implementation plan for the Florida Greenways and Trails
3 System;

4 (l) Advise the Land Acquisition and Management
5 Advisory Council or its successor to ensure the incorporation
6 of greenways and trails in land management plans on lands
7 managed by the Department of Environmental Protection, the
8 Fish and Wildlife Conservation Commission, the ~~Division of~~
9 ~~Historical Resources of the~~ Department of State, and the
10 Division of Forestry of the Department of Agriculture and
11 Consumer Services;

12 (m) Provide advice and assistance to the Department of
13 Transportation and the water management districts regarding
14 the incorporation of greenways and trails into their planning
15 efforts;

16 (n) Encourage land use, environmental, and coordinated
17 linear infrastructure planning to facilitate the
18 implementation of local, regional, and statewide greenways and
19 trails systems;

20 (o) Promote greenways and trails support
21 organizations; and

22 (p) Support the Florida Greenways and Trails System in
23 any other appropriate way.

24 Section 96. Section 265.283, Florida Statutes, is
25 amended to read:

26 265.283 Definitions relating to Florida Fine Arts Act
27 of 1980.--The following definitions ~~shall~~ apply to ss.

28 265.281-265.286:

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

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

31

1 ~~(3) "Director" means the Director of the Division of~~
2 ~~Cultural Affairs of the Department of State.~~

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

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

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

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

13 Section 97. Section 265.284, Florida Statutes, is
14 amended to read:

15 265.284 Chief cultural officer; ~~director of division;~~
16 powers and duties.--

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

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

22 (2)~~(3)~~ The department ~~Division of Cultural Affairs~~
23 shall have direct administrative authority and responsibility
24 for all of the programs authorized by this act. In
25 furtherance thereof, the department ~~division~~ shall have the
26 authority to:

27 (a) Accept and administer state and federal funds
28 provided for the fine arts, the grants, and any program
29 authorized by this act.

30 (b) Subject to the approval of the Secretary of State,
31 enter into such contracts with any person, firm, performing

1 arts company, educational institution, arts organization,
2 corporation, or governmental agency as may be necessary or
3 advisable to carry out its functions under this act. Contracts
4 administered under s. 265.606 shall require the local
5 sponsoring organization to submit to the department an annual
6 postaudit of its financial accounts conducted by an
7 independent certified public accountant. Contracts
8 administered under ss. 265.701 and 265.702 shall require the
9 recordation of a restrictive covenant by the grantee and
10 property owner or the purchase of a bond as prescribed by rule
11 to ensure that the facility continues to be used as a cultural
12 facility for a period of 10 years following the grant award.
13 If the facility ceases to be used as a cultural facility
14 during the 10 years following the grant award, the grant funds
15 shall be repaid to the department according to an amortization
16 schedule set forth in rule.

17 (c) Seek, and help assure, a uniformity of artwork
18 within state buildings and review all art content of existing
19 public buildings or buildings of state ownership for the
20 purpose of making recommendations to the Department of
21 Management Services as to matters of installation, relocation,
22 restoration, removal, or any other disposition of such works
23 of art.

24 (d) On request, or at its own initiative, consult with
25 and advise other individuals, groups, organizations, or state
26 agencies and officials, particularly the Governor and the
27 Cabinet, concerning the acquisition by gift or purchase of
28 fine art works, the appropriate use and display of state-owned
29 art treasures for maximum public benefit, and the suitability
30 of any structures or fixtures primarily intended for
31 ornamental or decorative purposes in public buildings.

1 (e) Accept on behalf of the state donations of money,
2 property, art objects, and antiquities. Such donations of
3 money and any cash income that is ~~which may be~~ received by the
4 department division or that was ~~which were~~ previously received
5 by the Florida Fine Arts Council from the disposal of any
6 donations of property, art objects, or antiquities shall be
7 deposited into a separate trust fund and are ~~hereby~~
8 appropriated to the use of the department division for the
9 purposes of this act.

10 ~~(3)(4)~~ There is created the Florida Fine Arts Trust
11 Fund to be administered by the Department of State for the
12 purposes set forth by law. The Florida Fine Arts Trust Fund
13 shall consist of moneys appropriated by the Legislature and
14 moneys contributed to the fund from any other source.

15 (5) The department division is further authorized to:

16 (a) Accept and administer moneys appropriated by the
17 Legislature, and moneys received from the Federal Government
18 or from other public or private sources, for the development
19 of nationally recognized Florida performing arts groups
20 through a state touring program. The department division shall
21 develop and establish a selection procedure which will ensure
22 maximum opportunity for selection of and participation by
23 Florida performing arts groups in the state touring program.

24 (b) Sponsor performances and exhibits; promote and
25 encourage the study and appreciation of fine arts; and
26 collect, publish, and print pamphlets, papers, newsletters,
27 and other materials relating to fine arts programs available
28 throughout the state.

29 (c) Conduct and support cultural programs and cultural
30 exchanges in conjunction with the appropriate state agencies,
31

1 including the acceptance of funding, technical assistance, and
2 other forms of support for such purposes.

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

5 ~~(6) Subject to funding by the Legislature, there are~~
6 ~~created the State Orchestra Program, State Dance Program, and~~
7 ~~State Opera Program, each to be administered as part of, and~~
8 ~~under the direct supervision of, the Division of Cultural~~
9 ~~Affairs.~~

10 (5)~~(7)~~ Notwithstanding any provision of s. 287.022 or
11 s. 287.025(1)(e), the department ~~division~~ may enter into
12 contracts to insure museum collections, artifacts, relics, and
13 fine arts to which it holds title.

14 Section 98. Section 265.286, Florida Statutes, is
15 amended to read:

16 265.286 Art grants award by Department of State
17 ~~Division of Cultural Affairs~~.--

18 (1) Subject to the recommendation of the Florida Arts
19 Council and to the approval of the Secretary of State, the
20 department ~~division~~ is authorized to expend appropriated state
21 and federal funds for art grants. The department ~~division~~
22 shall, by rule, establish criteria for the award of grants,
23 including criteria relating to artistic quality, creativity,
24 potential public exposure and benefit, ability to properly
25 administer grant funds, and such other matters deemed
26 necessary and appropriate to further the purposes of this act.
27 The department ~~division~~ shall expend all funds in accordance
28 with state law and shall use such appropriations to supplement
29 the financial support of:

30 (a) Programs which have substantial artistic and
31 cultural significance, giving emphasis to American creativity

1 and the maintenance and encouragement of professional
2 excellence.

3 (b) Programs meeting professional standards or
4 standards of authenticity, irrespective of origin, which
5 programs are of significant merit and which, without such
6 assistance, would otherwise be unavailable to the citizens of
7 this state.

8 (2) Grants shall be made by contract with any
9 nonprofit corporation, local or state governmental entity, or
10 artist engaged in or concerned with the arts. Of the total
11 amount of funds available from all sources for art grants, 70
12 percent of such funds shall be awarded on a 50-percent
13 matching basis. Up to 30 percent of such funds available may
14 be awarded on a nonmatching basis, including individual
15 fellowships.

16 (3) In administering grants, contracts, and funds
17 appropriated for arts programs, the department ~~division~~ may
18 release moneys in advance on a quarterly basis. By the end of
19 the contract period, the grantee or contractee shall furnish
20 to the department ~~division~~ a complete and accurate accounting
21 of how all state funds were expended. Postaudits to be
22 conducted by an independent certified public accountant may be
23 required in accordance with rules adopted by the department
24 ~~division~~.

25 (4) The department ~~division~~ is authorized to develop
26 and conduct a challenge grant program available to cultural
27 institutions or groups of institutions that have local,
28 regional, or statewide impact. Challenge grants shall be made
29 for not less than \$10,000; and matching moneys must be on at
30 least a basis of 1 to 1 for local projects, 2 to 1 for
31 regional projects, and 3 to 1 for state or capital projects,

1 with the institution providing the higher amount in the ratio.
2 The department ~~division~~ shall by rule establish the specific
3 eligibility and matching criteria for such grants. Separate
4 funding for this program shall be provided by the Legislature.

5 (5) The department ~~division~~ shall not award any new
6 grant which will, in whole or in part, inure to the personal
7 benefit of any council or review panel member during that
8 member's term of office if the council or panel member
9 participated in the vote of the council or panel recommending
10 the award. This subsection shall not prohibit the department
11 ~~division~~ from awarding a grant to an entity with which a
12 council or panel member is associated.

13 (6) The department ~~division~~ shall by rule provide for
14 separate consideration of grant applications of
15 state-supported institutions from those of private
16 institutions and individuals.

17 Section 99. Paragraphs (b), (c), and (d) of subsection
18 (2) of section 265.2861, Florida Statutes, are amended to
19 read:

20 265.2861 Cultural Institutions Program; trust fund.--

21 (2) CULTURAL INSTITUTIONS PROGRAM.--

22 (b) The Department of State shall establish, by rule,
23 criteria for the award of grants to cultural organizations,
24 including criteria relating to program quality, potential
25 public exposure and benefit, fiscal stability, ability to
26 properly administer grant funds, procedures for peer
27 evaluation, and other matters deemed necessary and appropriate
28 to further the purposes of this section. The department
29 ~~Division of Cultural Affairs~~ shall award grants to supplement
30 the financial support of cultural organizations that have
31 displayed a sustained commitment to cultural excellence and to

1 recognize organizations for superior cultural contributions
2 that have regional or statewide impact.

3 (c) Cultural organizations shall receive funding by
4 the department ~~Division of Cultural Affairs~~ from the Cultural
5 Institutions Trust Fund or as otherwise provided by the
6 Legislature.

7 (d)1. Upon appropriation by the Legislature of funds
8 for the Cultural Institutions Program, the Department of State
9 shall execute a contract with each organization, which must
10 contain information relative to the program, the projected
11 operating income and expenses, and other provisions deemed
12 necessary by the department for the administration of the
13 program.

14 2. Each recipient organization must submit an annual
15 report to the department ~~Division of Cultural Affairs~~
16 detailing the expenditure of funds and is subject to the
17 auditing provisions and rules of the department ~~division~~.

18 Section 100. Section 265.862, Florida Statutes, is
19 amended to read:

20 265.2862 General support program for cultural
21 institutions.--The ~~Division of Cultural Affairs of the~~
22 Department of State shall develop and conduct a general
23 support program designed to supplement the financial support
24 of cultural organizations that have a sustained commitment to
25 cultural excellence and to recognize organizations for
26 superior cultural contributions that have regional or
27 statewide impact. The department ~~division~~ shall establish, by
28 rule, criteria for awarding grants to the cultural
29 organizations. The rules must include, but need not be limited
30 to, criteria relating to program quality, potential public
31 exposure and benefit, fiscal stability, ability to properly

1 administer grant funds, and procedures for a peer evaluation
2 process.

3 Section 101. Subsections (4) and (6) of section
4 265.2865, Florida Statutes, are amended to read:

5 265.2865 Florida Artists Hall of Fame.--

6 (4) ~~In the first year, the Secretary of State shall~~
7 ~~name no more than 12 members to the Florida Artists Hall of~~
8 ~~Fame. Thereafter,~~The Secretary of State shall name no more
9 than four members to the Florida Artists Hall of Fame in any 1
10 year.

11 (6) ~~The Division of Cultural Affairs of the~~ Department
12 of State shall adopt rules necessary to carry out the purposes
13 of this section, including, but not limited to, procedures for
14 accepting nominations to, making recommendations for,
15 selecting members of the Florida Artists Hall of Fame, and
16 providing travel expenses for such recipients.
17 Notwithstanding the provisions of s. 112.061, the Secretary of
18 State may approve first-class travel accommodations for
19 recipients of the Florida Artists Hall of Fame award and their
20 representatives for health or security purposes.

21 Section 102. Section 265.603, Florida Statutes, is
22 amended to read:

23 265.603 Definitions relating to Cultural Endowment
24 Program.--The following terms and phrases when used in ss.
25 265.601-265.607 shall have the meaning ascribed to them in
26 this section, except where the context clearly indicates a
27 different meaning:

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

29 ~~(2) "Division" means the Division of Cultural Affairs~~
30 ~~of the Department of State.~~

31

1 ~~(2)~~(3) "Cultural" means the disciplines of dance,
2 music, theater, visual arts, literature, media arts,
3 interdisciplinary and multidisciplinary, and programs of
4 museums.

5 ~~(3)~~(4) "Secretary" means the Secretary of State.

6 ~~(4)~~(5) "Sponsoring organization" means a cultural
7 organization which:

8 (a) Is designated as not for profit pursuant to s.
9 501(c)(3) or (4) of the Internal Revenue Code of 1954;

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

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

15 (d) Is primarily and directly responsible for
16 conducting, creating, producing, presenting, staging, or
17 sponsoring a cultural exhibit, performance, or event. This
18 provision includes museums owned and operated by political
19 subdivisions of the state, except those constituted pursuant
20 to s. 1004.67.

21 Section 103. Paragraph (b) of subsection (4) of
22 section 265.606, Florida Statutes, is amended to read:

23 265.606 Cultural Endowment Program; administration;
24 qualifying criteria; matching fund program levels;
25 distribution.--

26 (4) Once the secretary has determined that the
27 sponsoring organization has complied with the criteria imposed
28 by this section, he or she may authorize the transfer of the
29 appropriate state matching funds to the organization. However,
30 the secretary shall ensure that the local group has made
31 prudent arrangements for the trusteeship of the entire

1 endowment, and such trusteeship is hereby created. The
2 sponsoring organization may then expend moneys in the
3 endowment program fund, subject to the following requirements:

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

8 Section 104. Subsections (1), (4), and (5) of section
9 265.608, Florida Statutes, are amended to read:

10 265.608 Science Museum; grants.--

11 (1) ~~The Division of Cultural Affairs of the~~ Department
12 of State is authorized to grant moneys from the Cultural
13 Institutions Trust Fund, including matching grants to science
14 museums recommended by the Florida Arts Council and approved
15 by the Secretary of State. The department ~~division~~ shall, by
16 rule, establish criteria for awarding grants including
17 criteria based upon the quality of the proposed grant
18 recipient, the potential public exposure and public benefit of
19 the exhibits of the proposed grant recipient, and the ability
20 of the proposed grant recipient to properly administer grant
21 funds and any other criteria the department ~~division~~
22 determines are necessary and appropriate to further the
23 purposes of this act. The department ~~division~~ shall grant
24 moneys ~~from the trust fund~~ in accordance with state law.

25 (4) The Secretary of State may appoint review panels
26 representing various disciplines to assist the Florida Arts
27 Council in the grant review process contemplated by this
28 section. The term of office of each review panel member shall
29 be 1 year. The membership of each panel shall include persons
30 actively involved in the specific discipline for which the
31 respective panel is to review grants. Members of the panels

1 shall not receive any compensation for their services, but
2 shall be reimbursed for travel and expenses incurred in the
3 performance of their duties, as provided in s. 112.061. The
4 panels shall review grant applications and make
5 recommendations to the council concerning the relative merits
6 of the applicants. The department ~~division~~ shall by rule
7 establish criteria for reviewing grant applications to ensure
8 compliance with applicable state laws relating to
9 nondiscrimination and prohibited conflicts of interest.

10 (5) The department ~~division~~ may grant moneys quarterly
11 ~~from the trust fund~~ to science museums in advance of an
12 exhibit or program for which the moneys are granted, pursuant
13 to a grant agreement or a contract. Before the end of the
14 contract period, the grant recipient shall file with the
15 department ~~division~~ a complete accounting of all moneys
16 received from the trust fund. The department ~~division~~ may
17 adopt rules requiring a postaudit of such accounting to be
18 conducted by an independent certified public accountant.

19 Section 105. Subsection (1), (4), and (5) of section
20 265.609, Florida Statutes, are amended to read:

21 265.609 Youth and Children's Museum; grants.--

22 (1) The ~~Division of Cultural Affairs of the~~ Department
23 of State is authorized to grant moneys from the Cultural
24 Institutions Trust Fund, including matching grants, to youth
25 and children's museums recommended by the Florida Arts Council
26 and approved by the Secretary of State. The department
27 ~~division~~ shall, by rule, establish criteria for awarding
28 grants, including criteria based upon the quality of the
29 proposed grant recipient, the potential public exposure and
30 public benefit of the exhibits of the proposed grant
31 recipient, and the ability of the proposed grant recipient to

1 properly administer grant funds, and any other criteria the
2 department division determines are necessary and appropriate
3 to further the purposes of this section. The department
4 division shall grant moneys ~~from the trust fund~~ in accordance
5 with state law.

6 (4) The secretary may appoint review panels
7 representing various disciplines to assist the Florida Arts
8 Council in the grant review process. Review panel members
9 shall serve for 1-year terms. Each panel shall include
10 persons actively involved in the specific discipline for which
11 the panel is to review grants. The panels shall review grant
12 applications and make recommendations to the council
13 concerning the relative merits of the applicants. The
14 department division shall, by rule, establish criteria for
15 reviewing grant applications to ensure compliance with
16 applicable state laws relating to discrimination and conflicts
17 of interest.

18 (5) The department division may grant moneys quarterly
19 ~~from the trust fund~~ to youth and children's museums in advance
20 of an exhibit or program for which the moneys are granted,
21 pursuant to a grant agreement or a contract. Before the end
22 of the contract period, the grant recipient shall file with
23 the department division a complete accounting of all moneys
24 received from the trust fund. The department division may
25 adopt rules requiring a postaudit of such accounting to be
26 conducted by an independent certified public accountant.

27 Section 106. Subsections (1), (3), and (4) of section
28 265.701, Florida Statutes, are amended to read:

29 265.701 Cultural facilities; grants for acquisition,
30 renovation, or construction; funding; approval; allocation.--

31

1 (1) The department ~~Division of Cultural Affairs~~ may
2 accept and administer moneys appropriated to it for providing
3 grants to counties, municipalities, and qualifying nonprofit
4 corporations for the acquisition, renovation, or construction
5 of cultural facilities.

6 (3) The Florida Arts Council shall review each
7 application for a grant to acquire, renovate, or construct a
8 cultural facility which is submitted pursuant to subsection
9 (2) and shall submit annually to the Secretary of State for
10 approval lists of all applications that are recommended by the
11 council for the award of grants, arranged in order of
12 priority. The department ~~division~~ may allocate grants only
13 for projects that are approved or for which funds are
14 appropriated by the Legislature. Projects approved and
15 recommended by the Secretary of State which are not funded by
16 the Legislature shall be retained on the project list for the
17 following grant cycle only. All projects that are retained
18 shall be required to submit such information as may be
19 required by the department as of the established deadline date
20 of the latest grant cycle in order to adequately reflect the
21 most current status of the project.

22 (4) The department ~~Division of Cultural Affairs~~ shall
23 adopt rules prescribing the criteria to be applied by the
24 Florida Arts Council in recommending applications for the
25 award of grants and rules providing for the administration of
26 the other provisions of this section.

27 Section 107. Subsection (1), (4), and (8) of section
28 265.702, Florida Statutes, are amended to read:

29 265.702 Regional cultural facilities; grants for
30 acquisition, renovation, or construction; funding; approval;
31 allocation.--

1 (1) The ~~Division of Cultural Affairs of the~~ Department
2 of State may accept and administer moneys that are
3 appropriated to it for providing grants to counties,
4 municipalities, and qualifying nonprofit corporations for the
5 acquisition, renovation, or construction of regional cultural
6 facilities.

7 (4) The Florida Arts Council shall review each
8 application for a grant to acquire, renovate, or construct a
9 regional cultural facility which is submitted under subsection
10 (2) and shall submit annually to the Secretary of State for
11 approval a list of all applications received and a list of all
12 projects that are recommended by the council for the award of
13 grants, arranged in order of priority. The department ~~division~~
14 may allocate grants only for regional cultural facilities that
15 are approved by the secretary or for which funds are
16 appropriated by the Legislature. Regional cultural facilities
17 that are approved and recommended by the Secretary of State
18 but are not funded by the Legislature shall be retained on the
19 project list for the following grant cycle only. For each
20 project that is retained, such information as the department
21 requires must be submitted by the established deadline date of
22 the latest grant cycle, in order to adequately reflect the
23 most current status of the regional cultural facility.

24 (8) The department ~~Division of Cultural Affairs~~ may
25 adopt rules prescribing the criteria to be applied to
26 applications for grants and rules providing for the
27 administration of this section.

28 Section 108. Subsection (1) and (8) of section
29 267.021, Florida Statutes, are amended to read:

30 267.021 Definitions.--For the purpose of this act, the
31 term:

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

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

9 Section 109. Section 267.031, Florida Statutes, is
10 amended to read:

11 267.031 Department of State ~~Division of Historical~~
12 ~~Resources~~; powers and duties.--

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

16 (2) The department ~~division~~ may make and enter into
17 all contracts and agreements with other agencies,
18 organizations, associations, corporations and individuals, or
19 federal agencies as it may determine are necessary, expedient,
20 or incidental to the performance of its duties or the
21 execution of its powers under this chapter.

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

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

28 (5) It is the responsibility of the department
29 ~~division~~ to:

30 (a) Cooperate with federal and state agencies, local
31 governments, and private organizations and individuals to

1 direct and conduct a comprehensive statewide survey of
2 historic resources and to maintain an inventory of such
3 resources.

4 (b) Develop a comprehensive statewide historic
5 preservation plan.

6 (c) Identify and nominate through the State Historic
7 Preservation Officer eligible properties to the National
8 Register of Historic Places and otherwise administer
9 applications for listing historic properties in the National
10 Register.

11 (d) Cooperate with federal and state agencies, local
12 governments, and organizations and individuals to ensure that
13 historic resources are taken into consideration at all levels
14 of planning and development.

15 (e) Advise and assist, as appropriate, federal and
16 state agencies and local governments in carrying out their
17 historic preservation responsibilities and programs.

18 (f) Provide public information, education, and
19 technical assistance relating to historic preservation
20 programs.

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

26 (h) Carry out on behalf of the state the programs of
27 the National Historic Preservation Act of 1966, as amended,
28 and to establish, maintain, and administer a state historic
29 preservation program meeting the requirements of an approved
30 program and fulfilling the responsibilities of state historic
31 preservation programs as provided in s. 101(b) of that act.

1 (i) Take such other actions necessary or appropriate
2 to locate, acquire, protect, preserve, operate, interpret, and
3 promote the location, acquisition, protection, preservation,
4 operation, and interpretation of historic resources to foster
5 an appreciation of Florida history and culture. Prior to the
6 acquisition, preservation, interpretation, or operation of a
7 historic property by a state agency, the department ~~division~~
8 shall be provided a reasonable opportunity to review and
9 comment on the proposed undertaking and shall determine that
10 there exists historical authenticity and a feasible means of
11 providing for the preservation, interpretation, and operation
12 of such property. Expenditures by the department ~~division~~ to
13 protect or preserve historic properties leased by the
14 department ~~division~~ from the Board of Trustees of the Internal
15 Improvement Trust Fund may be exempt from the competitive bid
16 requirements of chapters 255 and 287.

17 (j) Cooperate and coordinate with the Division of
18 Recreation and Parks of the Department of Environmental
19 Protection in the operation and management of historic
20 properties or resources subject to review under s. 267.061(2)
21 by the department ~~Division of Historical Resources~~.

22 (k) Establish professional standards for the
23 preservation, exclusive of acquisition, of historic resources
24 in state ownership or control.

25 (l) Establish guidelines for state agency
26 responsibilities under s. 267.061(2).

27 (m) Establish regional offices for the purpose of
28 assisting the department ~~division~~ in the delivery of
29 department ~~historic preservation~~ services to the counties and
30 municipalities of the state and to the citizens of the State
31 of Florida. ~~Historic preservation~~ Regional offices may ~~shall~~

1 be established, subject to the availability of funds, in ~~St.~~
2 ~~Augustine, Tampa, Palm Beach County,~~ and in other areas of the
3 state which the Secretary of State ~~division~~ deems appropriate.
4 ~~For each regional office established, the division shall~~
5 ~~establish a citizen support organization in accordance with s.~~
6 ~~267.17. The board of directors of each citizen support~~
7 ~~organization shall be appointed by the Secretary of State.~~

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

12 (o) Protect and administer historical resources
13 abandoned on state-owned lands or on state-owned sovereignty
14 submerged lands. The department ~~division~~ may issue permits for
15 survey and exploration activities to identify historical
16 resources and may issue permits for excavation and salvage
17 activities to recover historical resources. The department
18 ~~division~~ may issue permits for archaeological excavation for
19 scientific or educational purposes on state-owned lands or on
20 state-owned sovereignty submerged lands. The department
21 ~~division~~ may also issue permits for exploration and salvage of
22 historic shipwreck sites by commercial salvors on state-owned
23 sovereignty submerged lands. The department ~~division~~ shall
24 adopt rules to administer the issuance of permits for all such
25 activities. In addition, the department ~~division~~ shall adopt
26 rules to administer the transfer of objects recovered by
27 commercial salvors under permit in exchange for recovery
28 services provided to the state.

29 (6) The department ~~division~~ shall employ a State
30 Archaeologist, and such other archaeologists as deemed
31 necessary, who shall possess such qualifications as the

1 Secretary of State prescribes ~~division may prescribe~~. The
2 State Archaeologist shall serve at the pleasure of the
3 Secretary of State ~~division director~~ and shall have his or her
4 duties prescribed by the Secretary of State ~~division director~~.

5 (7) The department ~~division~~ shall employ a State
6 Historic Preservation Officer, qualified by special training
7 or experience in the field of historic preservation, and such
8 other specialists in the field of historic preservation as
9 deemed necessary, who shall possess such qualifications as the
10 Secretary of State prescribes ~~division may prescribe~~. The
11 State Historic Preservation Officer shall be designated as
12 such by the Governor, upon the recommendation of the Secretary
13 of State, and shall serve at the pleasure of the Secretary of
14 State. The State Historic Preservation Officer shall conduct
15 relations with representatives of the Federal Government and
16 the respective states concerning matters of historic
17 preservation, and shall perform such other duties as
18 prescribed by the Secretary of State.

19 Section 110. Paragraph (b) of subsection (1),
20 paragraphs (a), (b), (c), and (e) of subsection (2), and
21 subsection (3) of section 267.061, Florida Statutes, are
22 amended to read:

23 267.061 Historic properties; state policy,
24 responsibilities.--

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

26 (b) It is further declared to be the public policy of
27 the state that all treasure trove, artifacts, and such objects
28 having intrinsic or historical and archaeological value which
29 have been abandoned on state-owned lands or state-owned
30 sovereignty submerged lands shall belong to the state with the
31 title thereto vested in the ~~Division of Historical Resources~~

1 ~~of the~~ Department of State for the purposes of administration
2 and protection.

3 (2) RESPONSIBILITIES OF STATE AGENCIES OF THE
4 EXECUTIVE BRANCH.--

5 (a) Each state agency of the executive branch having
6 direct or indirect jurisdiction over a proposed state or
7 state-assisted undertaking shall, in accordance with state
8 policy and prior to the approval of expenditure of any state
9 funds on the undertaking, consider the effect of the
10 undertaking on any historic property that is included in, or
11 eligible for inclusion in, the National Register of Historic
12 Places. Each such agency shall afford the department ~~division~~
13 a reasonable opportunity to comment with regard to such an
14 undertaking.

15 (b) Each state agency of the executive branch shall
16 initiate measures in consultation with the department ~~division~~
17 to assure that where, as a result of state action or
18 assistance carried out by such agency, a historic property is
19 to be demolished or substantially altered in a way which
20 adversely affects the character, form, integrity, or other
21 qualities which contribute to historical, architectural, or
22 archaeological value of the property, timely steps are taken
23 to determine that no feasible and prudent alternative to the
24 proposed demolition or alteration exists, and, where no such
25 alternative is determined to exist, to assure that timely
26 steps are taken either to avoid or mitigate the adverse
27 effects, or to undertake an appropriate archaeological salvage
28 excavation or other recovery action to document the property
29 as it existed prior to demolition or alteration.

30 (c) In consultation with the department ~~division~~, each
31 state agency of the executive branch shall establish a program

1 to locate, inventory, and evaluate all historic properties
2 under the agency's ownership or control that appear to qualify
3 for the National Register. Each such agency shall exercise
4 caution to assure that any such historic property is not
5 inadvertently transferred, sold, demolished, substantially
6 altered, or allowed to deteriorate significantly.

7 (e) Each state agency of the executive branch, in
8 seeking to acquire additional space through new construction
9 or lease, shall give preference to the acquisition or use of
10 historic properties when such acquisition or use is determined
11 to be feasible and prudent compared with available
12 alternatives. The acquisition or use of historic properties is
13 considered feasible and prudent if the cost of purchase or
14 lease, the cost of rehabilitation, remodeling, or altering the
15 building to meet compliance standards and the agency's needs,
16 and the projected costs of maintaining the building and
17 providing utilities and other services is less than or equal
18 to the same costs for available alternatives. The agency
19 shall request the department ~~division~~ to assist in determining
20 if the acquisition or use of a historic property is feasible
21 and prudent. Within 60 days after making a determination that
22 additional space is needed, the agency shall request the
23 department ~~division~~ to assist in identifying buildings within
24 the appropriate geographic area that are historic properties
25 suitable for acquisition or lease by the agency, whether or
26 not such properties are in need of repair, alteration, or
27 addition.

28 (f) Consistent with the agency's mission and
29 authority, all state agencies of the executive branch shall
30 carry out agency programs and projects, including those under
31 which any state assistance is provided, in a manner which is

1 generally sensitive to the preservation of historic properties
2 and shall give consideration to programs and projects which
3 will further the purposes of this section.

4 (3) DEPARTMENT OF MANAGEMENT SERVICES.--The Department
5 of Management Services, in consultation with the department
6 ~~division~~, shall adopt rules for the renovation of historic
7 properties which are owned or leased by the state. Such rules
8 shall be based on national guidelines for historic renovation,
9 including the standards and guidelines for rehabilitation
10 adopted by the United States Secretary of the Interior.

11 Section 111. Section 267.0612, Florida Statutes, is
12 amended to read:

13 267.0612 Florida Historical Commission; creation;
14 membership; powers and duties.--In order to enhance public
15 participation and involvement in the preservation and
16 protection of the state's historic and archaeological sites
17 and properties, there is created within the Department of
18 State the "Florida Historical Commission." The commission
19 shall serve in an advisory capacity to the Secretary of State
20 ~~director of the Division of Historical Resources to assist the~~
21 ~~director~~ in carrying out the purposes, duties, and
22 responsibilities of the department division, as specified in
23 this chapter.

24 (1)(a) The commission shall be composed of 11 members.
25 Seven members shall be appointed by the Governor in
26 consultation with the Secretary of State, two members shall be
27 appointed by the President of the Senate, and two members
28 shall be appointed by the Speaker of the House of
29 Representatives. Of the seven members appointed by the
30 Governor, one member must be a licensed architect who has
31 expertise in historic preservation and architectural history;

1 one member must be a professional historian in the field of
2 American history; one member must be a professional
3 architectural historian; one member must be an archaeologist
4 specializing in the field of prehistory; and one member must
5 be an archaeologist specializing in the historic period. The
6 remaining two members appointed by the Governor and the two
7 members appointed by the President of the Senate and the
8 Speaker of the House of Representatives, respectively, must be
9 representatives of the general public with demonstrated
10 interest in the preservation of Florida's historical and
11 archaeological heritage. At least one member of the
12 commission shall be a resident of a county that has a
13 population of 75,000 or fewer ~~less~~. A member whose term has
14 expired shall continue to serve on the commission until such
15 time as a replacement is appointed.

16 (b) Notwithstanding the provisions of paragraph (a),
17 the initial members of the commission shall be the members of
18 the Historic Preservation Advisory Council and the National
19 Register of Historic Places Review Board, serving on January
20 1, 2002, who may serve the remainder of their respective
21 terms. New appointments to the commission shall not be made
22 until the retirement, resignation, removal, or expiration of
23 the terms of the initial members results in fewer than 11
24 members remaining. As vacancies occur, the first appointments
25 shall be the five professionally designated members appointed
26 by the Governor. The President of the Senate, the Speaker of
27 the House of Representatives, and the Governor, respectively,
28 shall then alternate appointments until the commission is
29 composed as required herein.

30 (2) Commission members appointed by the President of
31 the Senate and the Speaker of the House of Representatives

1 shall be appointed for 2-year terms. Additionally, these
2 commission members shall serve as the legislative historic
3 preservation advisory body to the Speaker of the House of
4 Representatives and the President of the Senate with respect
5 to the collection and preservation of the historic records of
6 both houses of the Legislature. Commission members appointed
7 by the Governor shall be appointed to 4-year terms. Vacancies
8 shall be filled for the remainder of the term and by the
9 original appointing authority.

10 (3) The Governor shall designate a member of the
11 commission as the commission's presiding officer to serve in
12 that capacity at the pleasure of the Governor. Each year the
13 commission shall select an assistant presiding officer from
14 its membership.

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

20 (5) All action taken by the commission shall be by
21 majority vote of those members present. The State Historic
22 Preservation Officer ~~director of the division~~ or his or her
23 ~~the director's~~ designee shall serve without voting rights as
24 secretary to the commission. The Historic Preservation Office
25 ~~division~~ shall provide necessary staff assistance to the
26 commission.

27 (6) It shall be the responsibility of the commission
28 to provide assistance, advice, and recommendations to the
29 department ~~division~~ in:

30
31

1 (a) Establishing priorities for the identification,
2 acquisition, protection, and preservation of historic and
3 archaeological sites and properties.

4 (b) Establishing criteria for use in assessing the
5 significance of historic and archaeological sites and
6 properties.

7 (c) Evaluating proposals for awards of special
8 category historic preservation grants-in-aid administered by
9 the Department of State ~~division~~. Pursuant thereto, the
10 commission shall review and evaluate proposals for special
11 category grants and shall make recommendations, including a
12 priority ranking, reflecting such evaluation. In making such
13 evaluation and recommendations, the commission shall, at a
14 minimum, consider the purpose, economic and other public
15 benefit, location, compatibility with statewide historic
16 preservation priorities, and cost of each proposal for special
17 category grant assistance.

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

21 (e) Identifying and expressing public goals for
22 historic preservation and gathering public ideas necessary for
23 the formulation of alternative policies.

24 (f) Recommending rules relating to the historic
25 preservation programs administered by the department ~~division~~
26 pursuant to this chapter.

27 (7) It shall be the additional responsibility of the
28 commission to provide such other assistance and advice to the
29 department ~~division~~ as required by this chapter and as may be
30 required from time to time in matters pertaining to the
31

1 protection and preservation of the state's historic and
2 archaeological sites and properties.

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

11 Section 112. Section 267.0617, Florida Statutes, is
12 amended to read:

13 267.0617 Historic Preservation Grant Program.--

14 (1) There is ~~hereby~~ created within the Department of
15 State ~~division~~ the Historic Preservation Grant Program, which
16 shall make grants of moneys appropriated by the Legislature,
17 moneys deposited pursuant to s. 550.0351(2), and moneys
18 contributed for that purpose from any other source. The
19 program funds shall be used by the department ~~division~~ for the
20 purpose of financing grants in furtherance of the purposes of
21 this section.

22 (2) The department ~~division~~ is authorized to conduct
23 and carry out a program of historic preservation
24 grants-in-aid, including matching grants, to any department or
25 agency of the state; any unit of county, municipal, or other
26 local government; any corporation, partnership, or other
27 organization, whether public or private or whether or not for
28 profit; or any individual for projects having as their purpose
29 the identification, acquisition, protection, preservation,
30 rehabilitation, restoration, or construction of historic sites
31 and properties, or Florida history, or the planning of such

1 activities. Funds appropriated from general revenue for the
2 historic preservation grants-in-aid program shall not be
3 provided for a project owned by private individuals or owned
4 by for-profit corporations. All moneys received from any
5 source as appropriations, deposits, or contributions to this
6 program shall be paid and credited to the Historical Resources
7 Operating Trust Fund or as otherwise provided by the
8 Legislature.

9 (3) All grants of state funds to assist the
10 preservation of historic properties shall be made from the
11 Historical Resources Operating Trust Fund or as otherwise
12 provided by the Legislature and may be awarded only pursuant
13 to applications for such assistance made to the Department of
14 State ~~Division of Historical Resources~~. The Florida
15 Historical Commission shall review each application for a
16 special category historic preservation grant-in-aid. Special
17 category historic preservation grants-in-aid are those
18 reviewed and recommended by the Secretary of State for
19 submission for legislative funding consideration. Grant
20 review panels appointed by the Secretary of State and chaired
21 by a member of the Florida Historical Commission shall review
22 each application for other historic preservation
23 grants-in-aid. The reviewing body shall submit annually to
24 the Secretary of State for approval lists of all applications
25 that are recommended by the reviewing body for the award of
26 grants, arranged in order of priority.

27 (4) The Department of State ~~Division of Historical~~
28 ~~Resources~~ may accept and administer moneys appropriated to it
29 for the purpose of providing grants for the projects approved
30 by the Secretary of State.

31

1 (5) The Department of State ~~Division of Historical~~
2 ~~Resources~~ shall adopt rules prescribing the criteria to be
3 applied by the Florida Historical Commission and the grant
4 review panels in recommending applications for the award of
5 grants and rules providing for the administration of the other
6 provisions of this section.

7 Section 113. Section 267.0619, Florida Statutes, is
8 amended to read:

9 267.0619 Historical Museum Grants.--The Department of
10 State ~~division~~ may conduct a program to provide:

11 (1)(a) Grants ~~from the Historical Resources Operating~~
12 ~~Trust Fund~~, including matching grants, to a department or
13 agency of the state; a unit of county, municipal, or other
14 local government; or a public or private profit or nonprofit
15 corporation, partnership, or other organization to assist in
16 the development of public educational exhibits relating to the
17 historical resources of Florida; and

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

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

25 (a) The mission of the museum must relate directly and
26 primarily to the history of Florida. ~~If the museum has more~~
27 ~~than one mission, the museum is eligible to receive a grant~~
28 ~~for that portion of the operating costs which is reasonably~~
29 ~~attributable to its mission relating to the history of~~
30 Florida;

31

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

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

7 (d) The museum must currently employ, and must have
8 employed during the 2-year period immediately preceding the
9 date upon which the museum applies for the grant, at least one
10 full-time staff member or one full-time volunteer ~~the~~
11 ~~equivalent thereof~~ whose primary responsibility is to acquire,
12 maintain, and exhibit to the public objects that are owned by,
13 or are on loan to, the museum.

14 (3) An application for a grant must be made to the
15 Department of State ~~division~~ on a form provided by the
16 department ~~division~~. The department ~~division~~ shall adopt
17 rules prescribing categories of grants, application
18 requirements, criteria and procedures for the review and
19 evaluation of applications, and other procedures necessary for
20 the administration of the program, subject to the requirements
21 of this section. Grant review panels appointed by the
22 Secretary of State and chaired by a member of the Florida
23 Historical Commission or designee thereof shall review each
24 application for a museum grant-in-aid. The review panel shall
25 submit to the Secretary of State for approval lists of all
26 applications that are recommended by the panel for the award
27 of grants, arranged in order of priority. The department
28 ~~division~~ may award a grant to a Florida history museum only if
29 the award has been approved by the Secretary of State.

30 (4) Money received as an appropriation or contribution
31 to the grants program must be deposited into the Historical

1 Resources Operating Trust Fund or as otherwise provided by the
2 Legislature. Money appropriated from general revenue to the
3 trust fund for the program may not be granted to a private
4 for-profit museum. Money appropriated from any source to the
5 trust fund for the program may not be granted to pay the cost
6 of locating, identifying, evaluating, acquiring, preserving,
7 protecting, restoring, rehabilitating, stabilizing, or
8 excavating an archaeological or historic site or a historic
9 building or the planning of any of those activities.

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

14 Section 114. Subsection (2) of section 267.062,
15 Florida Statutes, is amended to read:

16 267.062 Naming of state buildings and other
17 facilities.--

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

23 Section 115. Section 267.071, Florida Statutes, is
24 amended to read:

25 267.071 Historical museums.--It is the duty of the
26 Department of State ~~division~~ to:

27 (1) Promote and encourage throughout the state
28 knowledge and appreciation of Florida history by encouraging
29 the people of the state to engage in the preservation and care
30 of artifacts, museum items, treasure trove, and other
31 historical properties; the collection, research, fabrication,

1 | exhibition, preservation, and interpretation of historical
2 | materials; the publicizing of the state's history through
3 | media of public information; and other activities in
4 | historical and allied fields.

5 | (2) Encourage, promote, maintain, and operate
6 | historical museums, including, but not limited to, mobile
7 | museums, junior museums, and the Museum of Florida History in
8 | the state capital.

9 | (3) Plan and develop, in cooperation with other state
10 | agencies and with municipalities, programs to promote and
11 | encourage the teaching of Florida's history and heritage in
12 | Florida schools and other educational institutions and other
13 | such educational programs as may be appropriate.

14 | Section 116. Section 267.072, Florida Statutes, is
15 | amended to read:

16 | 267.072 Museum of Florida History programs.--

17 | (1) The department ~~division~~ shall establish and
18 | administer a museum store in the Museum of Florida History to
19 | provide information and materials relating to museum exhibits,
20 | collections, and programs to the public. The store may
21 | produce, acquire, and sell craft products, replicas and
22 | reproductions of artifacts, documents, and other merchandise
23 | relating to historical and cultural resources and may make a
24 | reasonable charge for such merchandise. All proceeds received
25 | from sales must be deposited into the Historical Resources
26 | Operating Trust Fund or, funds in excess of the amount
27 | required to pay employees involved in the direct management of
28 | the museum store, may be deposited into a bank account of the
29 | citizen support organization created pursuant to s. 267.17 and
30 | may only be used to support the programs of the Museum of
31 | Florida History. The museum store may enter into agreements

1 and accept credit-card payments as compensation for goods and
2 products sold. The department ~~division~~ may establish accounts
3 in credit-card banks for the deposit of credit-card sales
4 invoices and to pay discounts and service charges in
5 connection with the use of credit cards.

6 (2) The department ~~division~~ shall support the
7 establishment and operation of a nonprofit organization or
8 association established pursuant to s. 267.17 to promote and
9 encourage knowledge and appreciation of Florida history and
10 the programs of the Museum of Florida History and to cooperate
11 with historical societies and other organizations to provide
12 funding and promotional support for the programs of the
13 museum. Such organization or association may, with the
14 consent of the department ~~division~~, operate the museum store
15 or conduct special events and programs in the museum. All
16 proceeds must be used to support the programs of the Museum of
17 Florida History.

18 (3) The department ~~division~~ shall deposit gifts and
19 donations for the purpose of assisting the Museum of Florida
20 History and its programs in the Historical Resources Operating
21 Trust Fund to be used exclusively for the benefit of programs
22 of the museum and in a manner consistent with any terms or
23 conditions agreed to by the department ~~division~~ in accepting
24 such gifts.

25 Section 117. Section 267.0731, Florida Statutes, is
26 amended to read:

27 267.0731 Great Floridians Program.--The department
28 ~~division~~ shall establish and administer a program, to be
29 entitled the Great Floridians Program, which shall be designed
30 to recognize and record the achievements of Floridians, living
31

1 and deceased, who have made major contributions to the
2 progress and welfare of this state.

3 (1) The department ~~division~~ shall nominate present or
4 former citizens of this state, living or deceased, who during
5 their lives have made major contributions to the progress of
6 the nation or this state and its citizens. Nominations shall
7 be submitted to the Secretary of State who shall select from
8 those nominated not less than two persons each year who shall
9 be honored with the designation "Great Floridian," provided no
10 person whose contributions have been through elected or
11 appointed public service shall be selected while holding any
12 such office.

13 (a) To enhance public participation and involvement in
14 the identification of any person worthy of being nominated as
15 a Great Floridian, the department ~~division~~ shall seek advice
16 and assistance from persons qualified through the
17 demonstration of special interest, experience, or education in
18 the dissemination of knowledge about the state's history.

19 (b) In formulating its nominations, the department
20 ~~division~~ shall also seek the assistance of any organization
21 ~~the Museum of Florida History Foundation, Inc., or its~~
22 ~~successor,~~ acting in the capacity as a citizen support
23 organization of the department ~~division~~, pursuant to s. 267.17
24 and approved to act on behalf of the Museum of Florida
25 History.

26 (c) Annually, the department ~~division~~ shall convene an
27 ad hoc committee composed of representatives of the Governor,
28 each member of the Florida Cabinet, the President of the
29 Senate, and the Speaker of the House of Representatives, ~~and~~
30 ~~the Museum of Florida History Foundation, Inc.~~ This committee
31 shall meet at least twice. The committee shall nominate not

1 fewer than two persons whose names shall be submitted to the
2 Secretary of State with the recommendation that they be
3 honored with the designation "Great Floridian."

4 (2) Upon designation of a person as a Great Floridian
5 by the Secretary of State, the department ~~division~~ shall
6 undertake appropriate activities intended to achieve wide
7 public knowledge of the person designated.

8 (a) The department ~~division~~ may seek to initiate
9 production of a film or videotape depicting the life and
10 contributions of the designee to this state and to the nation.
11 The production of such a film or videotape will be contingent
12 upon full funding through legislative appropriation or private
13 fundraising. If technology surpasses the use of film or
14 videotape, another medium of equal quality may be used.

15 ~~1. In the production of such films, the division shall~~
16 ~~seek cooperation from local volunteers throughout the state~~
17 ~~and, in particular, shall seek fundraising and other~~
18 ~~assistance of the citizen support organization created~~
19 ~~pursuant to s. 267.17 to support the programs of the Museum of~~
20 ~~Florida History.~~

21 ~~1.2.~~ The Museum of Florida History shall be the
22 repository of the original negative, the original master tape,
23 and all cuttings, of any film or videotape produced under the
24 authority of this paragraph. The department ~~division~~ also may
25 exercise the right of trademark over the terms "Great
26 Floridian" or "Great Floridians" pursuant to s. 286.031.

27 ~~2.3.~~ The department ~~division~~ shall arrange for the
28 distribution of copies of all films to the general public,
29 public television stations, educational institutions, and
30 others and may establish a reasonable charge to recover costs
31 associated with production and to provide a source of revenue

1 to assist with reproduction, marketing, and distribution of
2 Great Floridians films. Proceeds from such charges shall be
3 deposited into the Historical Resources Operating Trust Fund.

4 (b) Deceased persons designated as Great Floridians
5 typically shall be recognized by markers affixed to properties
6 significantly associated with the major contributions of the
7 designee. Such markers shall be erected pursuant to the
8 provisions of s. 267.074.

9 Section 118. Section 267.074, Florida Statutes, is
10 amended to read:

11 267.074 State Historical Marker Program.--The
12 department ~~division~~ shall coordinate and direct the State
13 Historical Marker Program, which shall be a program of popular
14 history and heritage designed to inform the general public
15 about persons, events, structures, and other topics relating
16 to the history and culture of the state; encourage interest in
17 preserving the historical resources of the state and its
18 localities; promote a sense of community and place among
19 Florida citizens; and provide for the enjoyment and
20 edification of tourists.

21 (1) The department ~~division~~ shall encourage the
22 initiation of proposals for Official Florida Historical
23 Markers from departments or agencies of the state; units of
24 county, municipal, or other local governments; corporations,
25 partnerships, or other organizations, whether public or
26 private and whether or not for profit; or any individual.
27 Markers may be installed to recognize historic properties, as
28 well as individuals, events, and other topics significant in
29 Florida or American history, architecture, archaeology, or
30 culture.

31

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

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

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

9 (c) Florida Heritage markers, which shall be used to
10 identify and interpret people, events, and places, including
11 buildings and archaeological sites, which do not meet the
12 criteria for a Florida Heritage Landmark, and other subjects
13 relating to Florida history and culture.

14 (d) Other special series of markers which the
15 department ~~division~~ may establish to facilitate guiding the
16 general public to places of historic interest and to
17 facilitate identification and interpretation of topics of
18 statewide interest, including, but not limited to, historic
19 and scenic trails, byways, and greenways and anniversaries or
20 other occasions of special significance to the history and
21 culture of Florida.

22
23 The department ~~division~~ may exercise the right of trademark
24 over the terms "Florida Heritage" or "Heritage Florida"
25 pursuant to s. 286.031.

26 (3) The department ~~division~~ shall establish and
27 maintain a central register of all markers installed in each
28 category set out in subsection (2). In addition, the
29 department ~~division~~ shall establish and maintain the Florida
30 Register of Heritage Landmarks, a central register of historic
31 properties, which generally shall consist of properties more

1 than 50 years of age deemed worthy of preservation for their
2 exceptional historical significance to the state as a whole or
3 a region of the state and their architectural or
4 archaeological integrity.

5 (a) The department ~~division~~ shall adopt rules pursuant
6 to ss. 120.536(1) and 120.54 that prescribe criteria and a
7 process for the identification, evaluation, and designation of
8 Heritage Landmark properties, as well as for withdrawal of
9 designation.

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

14 (c) The department ~~division~~ shall undertake a program
15 to identify and nominate properties eligible for designation
16 as Heritage Landmarks.

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

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

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

28 (b) Selection of subjects to be marked.

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

31 (d) Maintenance of markers.

1 (e) Removal or replacement of markers.

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

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

9 (5)(a) The department ~~division~~ is authorized and
10 empowered to erect and maintain appropriate signs or markers
11 indicating sites of historic interest and value upon public
12 property as well as upon private property where permission is
13 obtained.

14 (b) The Department of Transportation or the governing
15 body of each county or municipality is authorized to permit
16 and assist the Department of State ~~division~~ in erecting and
17 maintaining such ~~said~~ historic signs or markers within the
18 right-of-way of any state highway, county road, or municipal
19 street, or any other property under its jurisdiction and
20 control, under such conditions and limitations as may be
21 appropriate. The Department of State ~~division~~ is hereby
22 vested with the exclusive authority and power to erect and
23 maintain said historic signs or markers within the
24 right-of-way of any state highway.

25 (6) The department ~~division~~ shall designate an
26 approved marker as an Official Florida Historical Marker. To
27 ensure a degree of uniformity and quality of historical
28 markers, monuments, plaques, medallions, and similar devices
29 in this state, and to avoid any confusion with or
30 misrepresentation of an Official Florida Historical Marker, no
31 such marker or reasonable facsimile thereof may be fabricated

1 with any emblem, design, or logo signifying another
2 organization. No other emblem, design, or marker size may be
3 used in addition to or instead of those offered by the
4 department ~~division~~ for an Official Florida Historical Marker.
5 Emblems, designs, or logos offered by the department ~~division~~
6 are property of the state and may not be used for commercial
7 advertising or copied for the use of any other agency,
8 association, corporation, or individual without the express
9 consent and authorization of the department ~~division~~.

10 (7) The department ~~division~~ may establish a reasonable
11 fee to recover its costs arising from review of a proposal for
12 a historical marker, monument, plaque, medallion, or similar
13 device. Any fee established shall be payable by the applicant
14 for the marker, monument, plaque, medallion, or similar
15 device.

16 (8) Funds for the creation and placement of an
17 Official Florida Historical Marker shall be provided by the
18 agency, organization, individual, or other entity proposing
19 the marker. The department ~~division~~ may erect Official
20 Florida Historical Markers at its own expense and may make
21 competitive grants ~~from the Historical Resources Operating~~
22 ~~Trust Fund~~, pursuant to s. 267.0617, to assist in funding the
23 costs of Official Florida Historical Markers. All Official
24 Florida Historical Markers shall be considered property of the
25 state.

26 (9) The department ~~division~~ shall seek cooperation
27 from local volunteers throughout the state and, where
28 appropriate, shall encourage the establishment of citizen
29 support organizations, pursuant to s. 267.17, to assist in
30 maintaining Official Florida Historical Markers and
31 facilitating public access to places marked.

1 Section 119. Subsections (3), (4), and (5) of section
2 267.0743, Florida Statutes, are amended to read:

3 267.0743 State Historical Marker Council.--In order to
4 enhance public participation and involvement in the
5 identification and interpretation of subjects relating to the
6 history and culture of Florida, there is created the "State
7 Historical Marker Council."

8 (3) The Secretary of State ~~director of the division~~ or
9 his or her designee shall serve without voting rights as
10 secretary to the council. The department ~~division~~ shall
11 provide necessary staff assistance to the council.

12 (4) The council shall meet at the request of the
13 department ~~division~~ or at the request of a majority of its
14 membership to carry out its responsibilities, however, the
15 council need not convene a meeting but may give advice by
16 means of written or telephonic communication. Members shall
17 serve without pay, but shall be entitled to reimbursement for
18 their expenses in carrying out their official duties, as
19 provided in s. 112.061.

20 (5) It shall be the responsibility of the council to
21 provide assistance, advice, and recommendations to the
22 department ~~division~~ in evaluating proposals for Official
23 Florida Historical Markers and identifying goals for the State
24 Historical Marker Program. The process of evaluation shall
25 seek to establish the significance of the subject proposed for
26 a marker, but neither the department ~~division~~ nor the council
27 shall make proposal or evaluation requirements so complex or
28 onerous as to preclude private citizens from directly
29 submitting proposals without professional assistance.

30 Section 120. Subsections (2), (3), and (4) of section
31 267.075, Florida Statutes, are amended to read:

1 267.075 The Grove Advisory Council; creation;
2 membership; purposes.--

3 (2) There is created within the Department of State
4 The Grove Advisory Council for the purpose of advising the
5 department ~~Division of Historical Resources~~ on the operation,
6 maintenance, preservation, and protection of the Call/Collins
7 House, commonly known as "The Grove," its grounds, cemetery,
8 and all structures thereon; the furniture and furnishings
9 located therein; any changes in the architecture, structure,
10 furnishings, or landscaping deemed necessary or desirable by
11 the council; and the design and development of interpretive
12 programs and exhibits in connection therewith.

13 (3)(a) The Grove Advisory Council shall be composed of
14 eight members, as follows:

15 1. Five members shall be private citizens appointed by
16 the Secretary of State.

17 2. One member shall be the Secretary of Management
18 Services or his or her designee.

19 3. One member shall be a representative of the
20 department appointed by the Secretary ~~the director of the~~
21 ~~Division of Historical Resources of the Department~~ of State.

22 4. At least one member shall be a direct descendant of
23 Mary Call Darby Collins appointed by the Secretary of State
24 with the advice of the oldest living generation of lineal
25 descendants of Mary Call Darby Collins.

26
27 Of the citizen members, at least one member shall have
28 professional curatorial and museum expertise, one member shall
29 have professional architectural expertise in the preservation
30 of historic buildings, and one member shall have professional
31 landscape expertise. The five citizen members of the council

1 appointed by the Secretary of State and the member of the
2 council who is a direct descendant of Mary Call Darby Collins
3 appointed by the Secretary of State shall be appointed for
4 staggered 4-year terms. The Secretary of State shall fill the
5 remainder of unexpired terms for the five citizen members of
6 the council and the member of the council who is a direct
7 descendant of Mary Call Darby Collins.

8 (b) The council shall annually elect a chair from
9 among the five citizen members of the council appointed by the
10 Secretary of State and the member of the council who is a
11 direct descendant of Mary Call Darby Collins appointed by the
12 Secretary of State. The chair shall serve for a term of 1
13 year. Meetings of the council shall be held at the call of the
14 chair, at the request of a majority of its membership, at the
15 request of the Secretary of State, or at such times as may be
16 prescribed by rules of the council. The council shall meet at
17 least twice annually. A majority of the council shall
18 constitute a quorum for the transaction of business.

19 (c) The council shall obtain clerical, expert,
20 technical, or other services from the department ~~Division of~~
21 ~~Historical Resources~~. The Department of Management Services
22 shall provide reasonable assistance to the Department of State
23 in carrying out the purposes of this section.

24 (d) Members of the council shall serve without
25 compensation or honorarium but shall be entitled to receive
26 reimbursement for per diem and travel expenses as provided in
27 s. 112.061. All expenses of the council shall be paid from
28 appropriations to be made by the Legislature to the Department
29 of State. All vouchers shall be approved by the department
30 ~~Division of Historical Resources~~ before being submitted to the
31 Chief Financial Officer for payment.

1 (4)(a) The department ~~Division of Historical~~
2 ~~Resources~~, with the advice and assistance of the council,
3 shall maintain the structure, style, character, and
4 landscaping of The Grove, its grounds, its private family
5 cemetery, and all structures thereon consistent with the
6 character, plan, and design of The Grove at the time the state
7 takes physical possession of The Grove and its surrounding
8 property from Mary Call Darby Collins. It shall preserve and
9 protect the antique furnishings and other articles of
10 furniture, fixtures, and decorative objects and articles used
11 or displayed in the premises.

12 (b) The department ~~Division of Historical Resources~~
13 shall catalog and maintain a descriptive, photographic
14 inventory of the furnishings, fixtures, and decorative objects
15 and articles used or displayed in the premises.

16 (c) The department ~~Division of Historical Resources~~
17 may receive, on behalf of the state, contributions, bequests,
18 and gifts of money, furniture, works of art, memorabilia, or
19 other property consistent with the use of The Grove as
20 described in this section. Title to all property which is
21 received in this manner shall vest in the state and shall be
22 held in trust by the department ~~Division of Historical~~
23 ~~Resources~~ solely to further the purposes of this section. No
24 furniture, furnishings, fixtures, or decorative objects
25 acquired from the Collins family or any of its members shall
26 be used for any purpose except as a permanent part of The
27 Grove's furniture, furnishings, fixtures, or decorative
28 objects, and any such item not so utilized shall forthwith
29 revert to the Collins family member or members from whom it
30 was acquired. No gifts, contributions, or bequests shall be
31

1 accepted for The Grove without the advice and recommendation
2 of the council.

3 (d) The Department of State ~~Division of Historical~~
4 ~~Resources~~ shall adopt rules governing the maintenance and use
5 of The Grove; the selection, acquisition, and disposition of
6 furnishings and decorations for the premises; and the
7 acceptance of gifts, contributions, bequests, or loans of
8 property.

9 Section 121. Section 267.081, Florida Statutes, is
10 amended to read:

11 267.081 Publications.--

12 (1) It is the duty of the department ~~division~~ to:

13 (a) Promote and encourage the writing of Florida
14 history.

15 (b) Collect, edit, publish, and print pamphlets,
16 papers, manuscripts, documents, books, monographs, and other
17 materials relating to Florida history. The department ~~division~~
18 may establish a reasonable charge for such publications.

19 (c) Cooperate with and coordinate research and
20 publication activities of other agencies, organizations,
21 historical commissions and societies, corporations, and
22 individuals, which relate to historical matters.

23 (d) Hold any moneys received from the sale of
24 publications by the department ~~division~~ in the operating trust
25 fund of the department ~~division~~ or in a separate depository
26 account in the name of a citizen support organization formed
27 pursuant to s. 267.17 and subject to the provision of a letter
28 of agreement with the department ~~division~~.

29 (2) The department ~~division~~ may exercise the right of
30 trademark and service mark over the terms "Florida History &
31

1 the Arts" or "Florida History and the Arts" pursuant to s.
2 286.031.

3 Section 122. Section 267.11, Florida Statutes, is
4 amended to read:

5 267.11 Designation of archaeological sites.--The
6 Department of State ~~division~~ may publicly designate an
7 archaeological site of significance to the scientific study or
8 public representation of the state's historical, prehistoric,
9 or aboriginal past as a "state archaeological landmark." In
10 addition, the department ~~division~~ may publicly designate an
11 interrelated grouping of significant archaeological sites as a
12 "state archaeological landmark zone." However, no site or
13 grouping of sites shall be so designated without the express
14 written consent of the private owner thereof. Upon designation
15 of an archaeological site, the owners and occupants of each
16 designated state archaeological landmark or landmark zone
17 shall be given written notification of such designation by the
18 department ~~division~~. Once so designated, no person may conduct
19 field investigation activities without first securing a permit
20 from the department ~~division~~.

21 Section 123. Section 267.115, Florida Statutes, is
22 amended to read:

23 267.115 Objects of historical or archaeological
24 value.--The Department of State ~~division~~ shall acquire,
25 maintain, preserve, interpret, exhibit, and make available for
26 study objects which have intrinsic historical or
27 archaeological value relating to the history, government, or
28 culture of the state. Such objects may include tangible
29 personal property of historical or archaeological value.
30 Objects acquired under this section belong to the state, and
31 title to such objects is vested in the department ~~division~~.

1 (1) Notwithstanding s. 273.02, the department ~~division~~
2 shall maintain an adequate record of all objects in its
3 custody which have a historical or archaeological value. Once
4 each year, on July 1 or as soon thereafter as practicable, the
5 department ~~division~~ shall take a complete inventory of all
6 such objects in its custody the value or cost of which is \$500
7 or more and a sample inventory of such objects the value or
8 cost of which is less than \$500. Each inventory shall be
9 compared with the property record, and all discrepancies shall
10 be traced and reconciled. Objects of historical or
11 archaeological value are not required to be identified by
12 marking or other physical alteration of the objects.

13 (2) The department ~~division~~ may arrange for the
14 temporary or permanent loan of any object which has historical
15 or archaeological value in its custody. Such loans shall be
16 for the purpose of assisting historical, archaeological, or
17 other studies; providing objects relating to interpretive
18 exhibits and other educational programs which promote
19 knowledge and appreciation of Florida history and the programs
20 of the department ~~division~~; or assisting the department
21 ~~division~~ in carrying out its responsibility to ensure proper
22 curation of the objects.

23 (3) The department ~~division~~ may determine from time to
24 time that an object that ~~which~~ is in its custody and that
25 ~~which~~ is owned by the state has no further use or value for
26 the research, exhibit, or educational programs of the
27 department ~~division~~, or that such an object will receive more
28 appropriate maintenance and preservation by another agency,
29 institution, or organization, and may loan, exchange, sell, or
30 otherwise transfer ownership and custody of such object to
31 another agency, institution, or organization for the purpose

1 of ensuring the continued maintenance and preservation of such
2 object, or for the purpose of acquiring another object which
3 better serves the interests of the state and is more
4 appropriate for promoting knowledge and appreciation of
5 Florida history and the programs of the department ~~division~~.

6 (4) For the purpose of the exchange, sale, or other
7 transfer of objects of historical or archaeological value, the
8 department ~~division~~ is exempt from chapter 273.

9 (5) All moneys received from the sale of an object
10 which has historical or archaeological value pursuant to
11 subsection (3) shall be deposited in the Historical Resources
12 Operating Trust Fund and shall be used exclusively for the
13 acquisition of additional historical and archaeological
14 objects or the preservation and maintenance of any such
15 objects in the custody of the department ~~division~~.

16 (6) The department ~~division~~ shall adopt rules pursuant
17 to ss. 120.536(1) and 120.54 that prescribe criteria for the
18 inventory and for the loan, exchange, sale, transfer, or other
19 disposal of state-owned objects of historical or
20 archaeological value.

21 (7) Any custodian as defined in s. 273.01(1) who
22 violates any provision of this section or any rule adopted
23 pursuant to this section commits a misdemeanor of the second
24 degree, punishable as provided in s. 775.082 or s. 775.083.

25 (8) Notwithstanding any provision of s. 287.022 or s.
26 287.025(1)(e), the department ~~division~~ may enter into
27 contracts to insure museum collections, artifacts, relics, and
28 fine arts to which it holds title.

29 (9) The department ~~division~~ may implement a program to
30 administer finds of isolated historic artifacts from
31 state-owned river bottoms whereby the department ~~division~~ may

1 transfer ownership of such artifacts to the finder in exchange
2 for information about the artifacts and the circumstances and
3 location of their discovery.

4 Section 124. Section 267.12, Florida Statutes, is
5 amended to read:

6 267.12 Research permits; procedure.--

7 (1) The Department of State ~~division~~ may issue permits
8 for excavation and surface reconnaissance on state lands or
9 lands within the boundaries of designated state archaeological
10 landmarks or landmark zones to institutions that ~~which~~ the
11 department deems ~~division shall deem~~ to be properly qualified
12 to conduct such activity, subject to such rules ~~and~~
13 ~~regulations~~ as the department prescribes ~~division may~~
14 ~~prescribe~~, provided such activity is undertaken by reputable
15 museums, universities, colleges, or other historical,
16 scientific, or educational institutions or societies that
17 possess or will secure the archaeological expertise for the
18 performance of systematic archaeological field research,
19 comprehensive analysis, and interpretation in the form of
20 publishable reports and monographs, such reports to be
21 submitted to the department ~~division~~.

22 (2) Those state institutions considered by the
23 department ~~division~~ permanently to possess the required
24 archaeological expertise to conduct the archaeological
25 activities allowed under the provisions of the permit may be
26 designated as accredited institutions which will be allowed to
27 conduct archaeological field activities on state-owned or
28 controlled lands or within the boundaries of any designated
29 state archaeological landmark or any landmark zone without
30 obtaining an individual permit for each project, except that
31 those accredited institutions will be required to give prior

1 written notice of all anticipated archaeological field
2 activities on state-owned or controlled lands or within the
3 boundaries of any designated state archaeological landmark or
4 landmark zone to the department ~~division~~, together with such
5 information as is ~~may~~ reasonably ~~be~~ required by the department
6 ~~division~~ to ensure the proper preservation, protection, and
7 excavation of the archaeological resources. However, no
8 archaeological activity may be commenced by the accredited
9 institution until the department ~~division~~ has determined that
10 the planned project will be in conformity with the guidelines,
11 regulations, and criteria adopted pursuant to ss.
12 267.11-267.14. Such determination will be made by the
13 department ~~division~~ and notification to the institution given
14 within a period of 15 days from the time of receipt of the
15 prior notification by the department ~~division~~.

16 (3) All specimens collected under a permit issued by
17 the department ~~division~~ or under the procedures adopted for
18 accredited institutions shall belong to the state with the
19 title thereto vested in the department ~~division~~ for the
20 purpose of administration and protection. The department
21 ~~division~~ may arrange for the disposition of the specimens so
22 collected by accredited state institutions at those
23 institutions and for the temporary or permanent loan of such
24 specimens at permitholding institutions for the purpose of
25 further scientific study, interpretative displays, and
26 curatorial responsibilities.

27 Section 125. Subsections (1) and (2) of section
28 267.13, Florida Statutes, are amended to read:

29 267.13 Prohibited practices; penalties.--

30 (1)(a) Any person who by means other than excavation
31 either conducts archaeological field investigations on, or

1 removes or attempts to remove, or defaces, destroys, or
2 otherwise alters any archaeological site or specimen located
3 upon, any land owned or controlled by the state or within the
4 boundaries of a designated state archaeological landmark or
5 landmark zone, except in the course of activities pursued
6 under the authority of a permit or under procedures relating
7 to accredited institutions granted by the department ~~division~~,
8 commits a misdemeanor of the first degree, punishable as
9 provided in s. 775.082 or s. 775.083, and, in addition, shall
10 forfeit to the state all specimens, objects, and materials
11 collected, together with all photographs and records relating
12 to such material.

13 (b) Any person who by means of excavation either
14 conducts archaeological field investigations on, or removes or
15 attempts to remove, or defaces, destroys, or otherwise alters
16 any archaeological site or specimen located upon, any land
17 owned or controlled by the state or within the boundaries of a
18 designated state archaeological landmark or landmark zone,
19 except in the course of activities pursued under the authority
20 of a permit or under procedures relating to accredited
21 institutions granted by the department ~~division~~, commits a
22 felony of the third degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084, and any vehicle or
24 equipment of any person used in connection with the violation
25 is subject to forfeiture to the state if it is determined by
26 any court of law that the vehicle or equipment was involved in
27 the violation. Such person shall forfeit to the state all
28 specimens, objects, and materials collected or excavated,
29 together with all photographs and records relating to such
30 material. The court may also order the defendant to make
31 restitution to the state for the archaeological or commercial

1 value and cost of restoration and repair as defined in
2 subsection (4).

3 (c) Any person who offers for sale or exchange any
4 object with knowledge that it has previously been collected or
5 excavated in violation of any of the terms of ss.
6 267.11-267.14, or who procures, counsels, solicits, or employs
7 any other person to violate any prohibition contained in ss.
8 267.11-267.14 or to sell, purchase, exchange, transport,
9 receive, or offer to sell, purchase, or exchange any
10 archaeological resource excavated or removed from any land
11 owned or controlled by the state or within the boundaries of a
12 designated state archaeological landmark or landmark zone,
13 except with the express consent of the department ~~division~~,
14 commits a felony of the third degree, punishable as provided
15 in s. 775.082, s. 775.083, or s. 775.084, and any vehicle or
16 equipment of any person used in connection with the violation
17 is subject to forfeiture to the state if it is determined by
18 any court of law that such vehicle or equipment was involved
19 in the violation. All specimens, objects, and material
20 collected or excavated, together with all photographs and
21 records relating to such material, shall be forfeited to the
22 state. The court may also order the defendant to make
23 restitution to the state for the archaeological or commercial
24 value and cost of restoration and repair as defined in
25 subsection (4).

26 (2)(a) The department ~~division~~ may institute an
27 administrative proceeding to impose an administrative fine of
28 not more than \$500 a day on any person or business
29 organization that, without written permission of the
30 department ~~division~~, explores for, salvages, or excavates
31 treasure trove, artifacts, sunken or abandoned ships, or other

1 objects having historical or archaeological value located on
2 state-owned or state-controlled lands, including state
3 sovereignty submerged lands.

4 (b) The department ~~division~~ shall institute an
5 administrative proceeding by serving written notice of a
6 violation by certified mail upon the alleged violator. The
7 notice shall specify the law or rule allegedly violated and
8 the facts upon which the allegation is based. The notice shall
9 also specify the amount of the administrative fine sought by
10 the department ~~division~~. The fine shall not become due until
11 after service of notice and an administrative hearing.
12 However, the alleged violator shall have 20 days from service
13 of notice to request an administrative hearing. Failure to
14 respond within that time shall constitute a waiver, and the
15 fine shall become due without a hearing.

16 (c) The department ~~division~~ may enter its judgment for
17 the amount of the administrative penalty imposed in a court of
18 competent jurisdiction, pursuant to s. 120.69. The judgment
19 may be enforced as any other judgment.

20 (d) The department ~~division~~ may apply to a court of
21 competent jurisdiction for injunctive relief against any
22 person or business organization that explores for, salvages,
23 or excavates treasure trove, artifacts, sunken or abandoned
24 ships, or other objects having historical or archaeological
25 value located on state-owned or state-controlled land,
26 including state sovereignty submerged land, without the
27 written permission of the department ~~division~~.

28 Section 126. Section 267.135, Florida Statutes, is
29 amended to read:

30 267.135 Location of archaeological sites.--Any
31 information identifying the location of archaeological sites

1 contained in site files or other records maintained by the
2 ~~Division of Historical Resources of the~~ Department of State is
3 exempt from the provisions of s. 119.07(1) and s. 24(a) of
4 Art. I of the State Constitution, if the department ~~Division~~
5 ~~of Historical Resources~~ finds that disclosure of such
6 information will create a substantial risk of harm, theft, or
7 destruction at such sites. This section is subject to the Open
8 Government Sunset Review Act in accordance with s. 119.15 and
9 expires on October 2, 2006, unless reviewed and reenacted by
10 the Legislature.

11 Section 127. Section 267.14, Florida Statutes, is
12 amended to read:

13 267.14 Legislative intent.--It is hereby declared to
14 be the public policy of the state to preserve archaeological
15 sites and objects of antiquity for the public benefit and to
16 limit exploration, excavation, and collection of such matters
17 to qualified persons and educational institutions possessing
18 the requisite skills and purpose to add to the general store
19 of knowledge concerning history, archaeology, and
20 anthropology. It is further declared to be the public policy
21 of the state that field investigation activities on privately
22 owned lands should be discouraged except in accordance with
23 both the provisions and spirit of ss. 267.11-267.14; and
24 persons having knowledge of the location of archaeological
25 sites are encouraged to communicate such information to the
26 department ~~division~~.

27 Section 128. Section 267.16, Florida Statutes, is
28 amended to read:

29 267.16 Florida Folklife Programs.--It is the duty and
30 responsibility of the Department of State ~~division~~ to:

31

1 (1) Identify, research, interpret, and present Florida
2 folk arts, artists, performers, folklore, traditions, customs,
3 and cultural heritage and make folk cultural resources and
4 folklife projects available throughout the state. The
5 department ~~division~~ shall compile, edit, publish, and print
6 directories, books, articles, pamphlets, and other folklife
7 materials to disseminate information about folk cultural
8 resources. The department ~~division~~ may sponsor conferences,
9 workshops, festivals, lectures, and exhibitions on Florida
10 folklife and promote the folk cultural resources of the state.

11 (2) Adopt rules necessary to carry out its duties and
12 responsibilities with respect to such programs; enter into
13 contracts and agreements with other agencies, organizations,
14 associations, corporations, individuals, or federal agencies
15 necessary to carry out its duties; and seek and accept gifts,
16 grants, bequests, loans, and endowments for purposes
17 consistent with its responsibilities.

18 ~~(3) Use the facilities at the Stephen Foster State~~
19 ~~Folk Culture Center as the primary location of the annual~~
20 ~~Florida Folk Festival.~~

21 (3)~~(4)~~ Adopt rules by which it may advance or
22 reimburse travel and per diem expenses, in the amount and
23 manner provided in s. 112.061, to folklife informants and
24 participants in the Florida Folklife Programs.

25 (4)~~(5)~~ Employ a state folklorist, and such other
26 folklorists as deemed necessary, who shall possess such
27 qualifications as the department prescribes ~~division may~~
28 ~~prescribe~~. The state folklorist shall serve at the pleasure of
29 the Secretary of State ~~division director~~ and shall have his or
30 her duties prescribed by the Secretary of State ~~division~~
31 ~~director~~.

1 Section 129. Section 267.161, Florida Statutes, is
2 amended to read:

3 267.161 Florida Folklife Council.--

4 (1)(a) The Florida Folklife Council is created as a
5 part of the Department of State, to consist of seven members
6 appointed by the Secretary of State. The Secretary of State
7 shall appoint each member for a 4-year term and shall appoint
8 a successor for each member within 90 days after the
9 expiration of the member's term. The Secretary of State shall
10 fill any vacancy for the remainder of the unexpired term
11 within 90 days after the vacancy occurs. Members shall be
12 appointed to provide geographical, ethnic, and professional
13 representation on the council.

14 (b) The council shall meet at the call of its chair,
15 at the request of a majority of its membership, at the request
16 of the department ~~division~~, or at such times as may be
17 prescribed by its rules. The council shall annually elect from
18 its membership a chair and vice chair. No member may be
19 elected to consecutive terms as chair.

20 (c) Members of the council shall serve without
21 compensation or honorarium, but shall be entitled to receive
22 reimbursement for per diem and travel expenses incurred in the
23 performance of their duties as provided in s. 112.061.

24 (d) All actions taken by the council must be by
25 majority vote of those present. The Secretary of State may
26 designate the state folklorist or any other ~~division director~~
27 ~~or the director's~~ designee ~~to shall~~ serve without voting
28 rights as secretary of the council. The department ~~division~~
29 must provide necessary staff assistance to the council.

30 (2) The council shall:
31

1 (a) Advise and assist the department ~~division~~ and the
2 state folklorist with respect to folk arts, folklife, and the
3 following goals of the Florida Folklife Programs:

4 1. The stimulation and encouragement of statewide
5 public interest and participation in folk arts and folklore;
6 and

7 2. The development and promotion of Florida folk
8 artists, performers, festivals, folklife projects, and folk
9 resources.

10 (b) Recommend to the department ~~division~~ and the state
11 folklorist projects for the identification, collection, and
12 preservation of Florida folklore, folk arts, traditions,
13 cultural heritage, skills, and customs and make these
14 resources available throughout the state.

15 (c) Assist the state folklorist in developing
16 proposals and grant applications to fund projects of the
17 Florida Folklife Programs.

18 Section 130. Subsections (1) and (2) of section
19 267.17, Florida Statutes, are amended to read:

20 267.17 Citizen support organizations; use of state
21 administrative services and property; audit.--

22 (1) CITIZEN SUPPORT ORGANIZATIONS.--The Department of
23 State ~~division~~ may support the establishment of citizen
24 support organizations to provide assistance, funding, and
25 promotional support for the archaeology, museum, folklife, and
26 historic preservation programs of the department ~~division~~. For
27 the purposes of this section, a "citizen support organization"
28 shall mean an organization that ~~which~~ is:

29 (a) A Florida corporation not for profit incorporated
30 under the provisions of chapter 617 and approved by the
31 Department of State;

1 (b) Organized and operated to conduct programs and
2 activities; raise funds; request and receive grants, gifts,
3 and bequests of money; acquire, receive, hold, invest, and
4 administer, in its own name, securities, funds, objects of
5 value, or other property, real or personal; and make
6 expenditures to or for the direct or indirect benefit of the
7 department ~~division~~ or individual program units of the
8 department ~~division~~;

9 (c) Determined by the department ~~division~~ to be
10 consistent with the goals of the department ~~division~~ and in
11 the best interests of the state; and

12 (d) Approved in writing by the department ~~division~~ to
13 operate for the direct or indirect benefit of the department
14 ~~division~~; such approval shall be given in a letter of
15 agreement from the department ~~division~~.

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

17 (a) The department ~~division~~ may fix and collect
18 charges for the rental of facilities and properties managed by
19 the department ~~division~~ and may permit, without charge,
20 appropriate use of administrative services, property, and
21 facilities of the department ~~division~~ by a citizen support
22 organization, subject to the provisions of this section. Such
23 use must be directly in keeping with the approved purposes of
24 the citizen support organization and may not be made at times
25 or places that would unreasonably interfere with opportunities
26 for the general public to use such facilities for established
27 purposes. Any moneys received from rentals of facilities and
28 properties managed by the department ~~division~~ may be held in
29 the operating trust fund of the department ~~division~~ or in a
30 separate depository account in the name of the citizen support
31

1 organization and subject to the provisions of the letter of
2 agreement with the department ~~division~~.

3 (b) The department ~~division~~ may prescribe by rule any
4 condition with which a citizen support organization shall
5 comply in order to use department ~~division~~ administrative
6 services, property, or facilities.

7 (c) The department ~~division~~ shall not permit the use
8 of any administrative services, property, or facilities of the
9 state by a citizen support organization that ~~which~~ does not
10 provide equal membership and employment opportunities to all
11 persons regardless of race, color, religion, sex, age, or
12 national origin.

13 Section 131. Subsection (5) of section 267.173,
14 Florida Statutes, is amended to read:

15 267.173 Historic preservation in West Florida; goals;
16 contracts for historic preservation; powers and duties.--

17 (5) ~~The Division of Historical Resources in the~~
18 Department of State may contract with the University of West
19 Florida to serve as the regional office for the West Florida
20 region of the state from the Apalachicola River to the western
21 boundaries of the state. In lieu of the establishment of a
22 citizen support organization as required by s. 267.031(5)(m),
23 the University of West Florida may use an existing
24 direct-support organization of the university provided that
25 the membership of the direct-support organization is
26 representative of the area of the state to be served and
27 provides the needed expertise in the area of historic
28 preservation.

29 Section 132. Subsection (1), paragraph (a) of
30 subsection (2), and subsection (4) of section 286.001, Florida
31 Statutes, are amended to read:

1 286.001 Reports statutorily required; filing,
2 maintenance, retrieval, and provision of copies.--

3 (1) Unless otherwise specifically provided by law, any
4 agency or officer of the executive, legislative, or judicial
5 branches of state government, the State Board of Community
6 Colleges, the Board of Regents, or the Public Service
7 Commission required or authorized by law to make reports
8 regularly or periodically shall fulfill such requirement by
9 filing an abstract of the report with the statutorily or
10 administratively designated recipients of the report and an
11 abstract and one copy of the report with the Office of State
12 Library, Archives, and Records ~~Division of Library and~~
13 ~~Information~~ Services of the Department of State, unless the
14 head of the reporting entity makes a determination that the
15 additional cost of providing the entire report to the
16 statutorily or administratively designated recipients is
17 justified. A one-page summary justifying the determination
18 shall be submitted to the chairs of the governmental
19 operations committees of both houses of the Legislature. The
20 abstract of the contents of such report shall be no more than
21 one-half page in length. The actual report shall be retained
22 by the reporting agency or officer, and copies of the report
23 shall be provided to interested parties and the statutorily or
24 administratively designated recipients of the report upon
25 request.

26 (2) With respect to reports statutorily required of
27 agencies or officers within the executive, legislative, or
28 judicial branches of state government, the State Board of
29 Community Colleges, the Board of Regents, or the Public
30 Service Commission, it is the duty of the office ~~division~~, in
31 addition to its duties under s. 257.05, to:

1 (a) Regularly compile and update bibliographic
2 information on such reports for distribution as provided in
3 paragraph (b). Such bibliographic information may be included
4 in the bibliographies prepared by the Department of State
5 ~~division~~ pursuant to s. 257.05(3)(c).

6 (4) Nothing in this section shall be construed to
7 waive or modify the requirement in s. 257.05(2) pertaining to
8 the provision of copies of public documents to the Department
9 of State ~~division~~.

10 Section 133. Paragraphs (b) and (e) of subsection (19)
11 of section 380.06, Florida Statutes, are amended to read:

12 380.06 Developments of regional impact.--

13 (19) SUBSTANTIAL DEVIATIONS.--

14 (b) Any proposed change to a previously approved
15 development of regional impact or development order condition
16 which, either individually or cumulatively with other changes,
17 exceeds any of the following criteria shall constitute a
18 substantial deviation and shall cause the development to be
19 subject to further development-of-regional-impact review
20 without the necessity for a finding of same by the local
21 government:

22 1. An increase in the number of parking spaces at an
23 attraction or recreational facility by 5 percent or 300
24 spaces, whichever is greater, or an increase in the number of
25 spectators that may be accommodated at such a facility by 5
26 percent or 1,000 spectators, whichever is greater.

27 2. A new runway, a new terminal facility, a 25-percent
28 lengthening of an existing runway, or a 25-percent increase in
29 the number of gates of an existing terminal, but only if the
30 increase adds at least three additional gates. However, if an
31 airport is located in two counties, a 10-percent lengthening

1 of an existing runway or a 20-percent increase in the number
2 of gates of an existing terminal is the applicable criteria.

3 3. An increase in the number of hospital beds by 5
4 percent or 60 beds, whichever is greater.

5 4. An increase in industrial development area by 5
6 percent or 32 acres, whichever is greater.

7 5. An increase in the average annual acreage mined by
8 5 percent or 10 acres, whichever is greater, or an increase in
9 the average daily water consumption by a mining operation by 5
10 percent or 300,000 gallons, whichever is greater. An increase
11 in the size of the mine by 5 percent or 750 acres, whichever
12 is less.

13 6. An increase in land area for office development by
14 5 percent or an increase of gross floor area of office
15 development by 5 percent or 60,000 gross square feet,
16 whichever is greater.

17 7. An increase in the storage capacity for chemical or
18 petroleum storage facilities by 5 percent, 20,000 barrels, or
19 7 million pounds, whichever is greater.

20 8. An increase of development at a waterport of wet
21 storage for 20 watercraft, dry storage for 30 watercraft, or
22 wet/dry storage for 60 watercraft in an area identified in the
23 state marina siting plan as an appropriate site for additional
24 waterport development or a 5-percent increase in watercraft
25 storage capacity, whichever is greater.

26 9. An increase in the number of dwelling units by 5
27 percent or 50 dwelling units, whichever is greater.

28 10. An increase in commercial development by 50,000
29 square feet of gross floor area or of parking spaces provided
30 for customers for 300 cars or a 5-percent increase of either
31 of these, whichever is greater.

1 11. An increase in hotel or motel facility units by 5
2 percent or 75 units, whichever is greater.

3 12. An increase in a recreational vehicle park area by
4 5 percent or 100 vehicle spaces, whichever is less.

5 13. A decrease in the area set aside for open space of
6 5 percent or 20 acres, whichever is less.

7 14. A proposed increase to an approved multiuse
8 development of regional impact where the sum of the increases
9 of each land use as a percentage of the applicable substantial
10 deviation criteria is equal to or exceeds 100 percent. The
11 percentage of any decrease in the amount of open space shall
12 be treated as an increase for purposes of determining when 100
13 percent has been reached or exceeded.

14 15. A 15-percent increase in the number of external
15 vehicle trips generated by the development above that which
16 was projected during the original
17 development-of-regional-impact review.

18 16. Any change which would result in development of
19 any area which was specifically set aside in the application
20 for development approval or in the development order for
21 preservation or special protection of endangered or threatened
22 plants or animals designated as endangered, threatened, or
23 species of special concern and their habitat, primary dunes,
24 or archaeological and historical sites designated as
25 significant by the ~~Division of Historical Resources of the~~
26 Department of State. The further refinement of such areas by
27 survey shall be considered under sub-subparagraph (e)5.b.

28
29 The substantial deviation numerical standards in subparagraphs
30 4., 6., 10., 14., excluding residential uses, and 15., are
31 increased by 100 percent for a project certified under s.

1 403.973 which creates jobs and meets criteria established by
2 the Office of Tourism, Trade, and Economic Development as to
3 its impact on an area's economy, employment, and prevailing
4 wage and skill levels. The substantial deviation numerical
5 standards in subparagraphs 4., 6., 9., 10., 11., and 14. are
6 increased by 50 percent for a project located wholly within an
7 urban infill and redevelopment area designated on the
8 applicable adopted local comprehensive plan future land use
9 map and not located within the coastal high hazard area.

10 (e)1. Except for a development order rendered pursuant
11 to subsection (22) or subsection (25), a proposed change to a
12 development order that individually or cumulatively with any
13 previous change is less than any numerical criterion contained
14 in subparagraphs (b)1.-15. and does not exceed any other
15 criterion, or that involves an extension of the buildout date
16 of a development, or any phase thereof, of less than 5 years
17 is not subject to the public hearing requirements of
18 subparagraph (f)3., and is not subject to a determination
19 pursuant to subparagraph (f)5. Notice of the proposed change
20 shall be made to the regional planning council and the state
21 land planning agency. Such notice shall include a description
22 of previous individual changes made to the development,
23 including changes previously approved by the local government,
24 and shall include appropriate amendments to the development
25 order.

26 2. The following changes, individually or cumulatively
27 with any previous changes, are not substantial deviations:

28 a. Changes in the name of the project, developer,
29 owner, or monitoring official.

30
31

1 b. Changes to a setback that do not affect noise
2 buffers, environmental protection or mitigation areas, or
3 archaeological or historical resources.

4 c. Changes to minimum lot sizes.

5 d. Changes in the configuration of internal roads that
6 do not affect external access points.

7 e. Changes to the building design or orientation that
8 stay approximately within the approved area designated for
9 such building and parking lot, and which do not affect
10 historical buildings designated as significant by the ~~Division~~
11 ~~of Historical Resources of the~~ Department of State.

12 f. Changes to increase the acreage in the development,
13 provided that no development is proposed on the acreage to be
14 added.

15 g. Changes to eliminate an approved land use, provided
16 that there are no additional regional impacts.

17 h. Changes required to conform to permits approved by
18 any federal, state, or regional permitting agency, provided
19 that these changes do not create additional regional impacts.

20 i. Any renovation or redevelopment of development
21 within a previously approved development of regional impact
22 which does not change land use or increase density or
23 intensity of use.

24 j. Any other change which the state land planning
25 agency agrees in writing is similar in nature, impact, or
26 character to the changes enumerated in sub-subparagraphs a.-i.
27 and which does not create the likelihood of any additional
28 regional impact.

29

30 This subsection does not require a development order amendment
31 for any change listed in sub-subparagraphs a.-j. unless such

1 issue is addressed either in the existing development order or
2 in the application for development approval, but, in the case
3 of the application, only if, and in the manner in which, the
4 application is incorporated in the development order.

5 3. Except for the change authorized by
6 sub-subparagraph 2.f., any addition of land not previously
7 reviewed or any change not specified in paragraph (b) or
8 paragraph (c) shall be presumed to create a substantial
9 deviation. This presumption may be rebutted by clear and
10 convincing evidence.

11 4. Any submittal of a proposed change to a previously
12 approved development shall include a description of individual
13 changes previously made to the development, including changes
14 previously approved by the local government. The local
15 government shall consider the previous and current proposed
16 changes in deciding whether such changes cumulatively
17 constitute a substantial deviation requiring further
18 development-of-regional-impact review.

19 5. The following changes to an approved development of
20 regional impact shall be presumed to create a substantial
21 deviation. Such presumption may be rebutted by clear and
22 convincing evidence.

23 a. A change proposed for 15 percent or more of the
24 acreage to a land use not previously approved in the
25 development order. Changes of less than 15 percent shall be
26 presumed not to create a substantial deviation.

27 b. Except for the types of uses listed in subparagraph
28 (b)16., any change which would result in the development of
29 any area which was specifically set aside in the application
30 for development approval or in the development order for
31 preservation, buffers, or special protection, including

1 habitat for plant and animal species, archaeological and
2 historical sites, dunes, and other special areas.

3 c. Notwithstanding any provision of paragraph (b) to
4 the contrary, a proposed change consisting of simultaneous
5 increases and decreases of at least two of the uses within an
6 authorized multiuse development of regional impact which was
7 originally approved with three or more uses specified in s.
8 380.0651(3)(c), (d), (f), and (g) and residential use.

9 Section 134. Paragraph (a) of subsection (3) and
10 paragraph (a) of subsection (6) of section 380.061, Florida
11 Statutes, are amended to read:

12 380.061 The Florida Quality Developments program.--

13 (3)(a) To be eligible for designation under this
14 program, the developer shall comply with each of the following
15 requirements which is applicable to the site of a qualified
16 development:

17 1. Have donated or entered into a binding commitment
18 to donate the fee or a lesser interest sufficient to protect,
19 in perpetuity, the natural attributes of the types of land
20 listed below. In lieu of the above requirement, the developer
21 may enter into a binding commitment which runs with the land
22 to set aside such areas on the property, in perpetuity, as
23 open space to be retained in a natural condition or as
24 otherwise permitted under this subparagraph. Under the
25 requirements of this subparagraph, the developer may reserve
26 the right to use such areas for the purpose of passive
27 recreation that is consistent with the purposes for which the
28 land was preserved.

29 a. Those wetlands and water bodies throughout the
30 state as would be delineated if the provisions of s.
31 373.4145(1)(b) were applied. The developer may use such areas

1 for the purpose of site access, provided other routes of
2 access are unavailable or impracticable; may use such areas
3 for the purpose of stormwater or domestic sewage management
4 and other necessary utilities to the extent that such uses are
5 permitted pursuant to chapter 403; or may redesign or alter
6 wetlands and water bodies within the jurisdiction of the
7 Department of Environmental Protection which have been
8 artificially created, if the redesign or alteration is done so
9 as to produce a more naturally functioning system.

10 b. Active beach or primary and, where appropriate,
11 secondary dunes, to maintain the integrity of the dune system
12 and adequate public accessways to the beach. However, the
13 developer may retain the right to construct and maintain
14 elevated walkways over the dunes to provide access to the
15 beach.

16 c. Known archaeological sites determined to be of
17 significance by the ~~Division of Historical Resources of the~~
18 Department of State.

19 d. Areas known to be important to animal species
20 designated as endangered or threatened animal species by the
21 United States Fish and Wildlife Service or by the Fish and
22 Wildlife Conservation Commission, for reproduction, feeding,
23 or nesting; for traveling between such areas used for
24 reproduction, feeding, or nesting; or for escape from
25 predation.

26 e. Areas known to contain plant species designated as
27 endangered plant species by the Department of Agriculture and
28 Consumer Services.

29 2. Produce, or dispose of, no substances designated as
30 hazardous or toxic substances by the United States
31 Environmental Protection Agency or by the Department of

1 Environmental Protection or the Department of Agriculture and
2 Consumer Services. This subparagraph is not intended to apply
3 to the production of these substances in nonsignificant
4 amounts as would occur through household use or incidental use
5 by businesses.

6 3. Participate in a downtown reuse or redevelopment
7 program to improve and rehabilitate a declining downtown area.

8 4. Incorporate no dredge and fill activities in, and
9 no stormwater discharge into, waters designated as Class II,
10 aquatic preserves, or Outstanding Florida Waters, except as
11 activities in those waters are permitted pursuant to s.
12 403.813(2) and the developer demonstrates that those
13 activities meet the standards under Class II waters,
14 Outstanding Florida Waters, or aquatic preserves, as
15 applicable.

16 5. Include open space, recreation areas, Xeriscape as
17 defined in s. 373.185, and energy conservation and minimize
18 impermeable surfaces as appropriate to the location and type
19 of project.

20 6. Provide for construction and maintenance of all
21 onsite infrastructure necessary to support the project and
22 enter into a binding commitment with local government to
23 provide an appropriate fair-share contribution toward the
24 offsite impacts which the development will impose on publicly
25 funded facilities and services, except offsite transportation,
26 and condition or phase the commencement of development to
27 ensure that public facilities and services, except offsite
28 transportation, will be available concurrent with the impacts
29 of the development. For the purposes of offsite transportation
30 impacts, the developer shall comply, at a minimum, with the
31 standards of the state land planning agency's

1 development-of-regional-impact transportation rule, the
2 approved strategic regional policy plan, any applicable
3 regional planning council transportation rule, and the
4 approved local government comprehensive plan and land
5 development regulations adopted pursuant to part II of chapter
6 163.

7 7. Design and construct the development in a manner
8 that is consistent with the adopted state plan, the applicable
9 strategic regional policy plan, and the applicable adopted
10 local government comprehensive plan.

11 (6)(a) In the event that the development is not
12 designated under subsection (5), the developer may appeal that
13 determination to the Quality Developments Review Board. The
14 board shall consist of the secretary of the state land
15 planning agency, the Secretary of Environmental Protection and
16 a member designated by the secretary, the Secretary of
17 Transportation, the executive director of the Fish and
18 Wildlife Conservation Commission, the executive director of
19 the appropriate water management district created pursuant to
20 chapter 373, and the chief executive officer of the
21 appropriate local government. When there is a significant
22 historical or archaeological site within the boundaries of a
23 development which is appealed to the board, the Secretary
24 ~~director of the Division of Historical Resources of the~~
25 ~~Department~~ of State shall also sit on the board. The staff of
26 the state land planning agency shall serve as staff to the
27 board.

28 Section 135. Section 380.285, Florida Statutes, is
29 amended to read:

30 380.285 Lighthouses; study; preservation;
31 funding.--The Department of Community Affairs and the ~~Division~~

1 ~~of Historical Resources of the~~ Department of State shall
2 undertake a study of the lighthouses in the state. The study
3 must determine the location, ownership, condition, and
4 historical significance of all lighthouses in the state and
5 ensure that all historically significant lighthouses are
6 nominated for inclusion on the National Register of Historic
7 Places. The study must assess the condition and restoration
8 needs of historic lighthouses and develop plans for
9 appropriate future public access and use. The Department of
10 State ~~Division of Historical Resources~~ shall take a leadership
11 role in implementing plans to stabilize lighthouses and
12 associated structures and to preserve and protect them from
13 future deterioration. When possible, the lighthouses and
14 associated buildings should be made available to the public
15 for educational and recreational purposes. The Department of
16 State shall request in its annual legislative budget requests
17 funding necessary to carry out the duties and responsibilities
18 specified in this act. Funds for the rehabilitation of
19 lighthouses should be allocated through matching grants-in-aid
20 to state and local government agencies and to nonprofit
21 organizations. The Department of Environmental Protection may
22 assist the Department of State ~~Division of Historical~~
23 ~~Resources~~ in projects to accomplish the goals and activities
24 described in this section.

25 Section 136. Paragraph (a) of subsection (2) of
26 section 403.941, Florida Statutes, is amended to read:

27 403.941 Preliminary statements of issues, reports, and
28 studies.--

29 (2)(a) The affected agencies shall prepare reports as
30 provided in this paragraph and shall submit them to the

31

1 department and the applicant within 60 days after the
2 application is determined sufficient:

3 1. The department shall prepare a report as to the
4 impact of each proposed natural gas transmission pipeline or
5 corridor as it relates to matters within its jurisdiction.

6 2. Each water management district in the jurisdiction
7 of which a proposed natural gas transmission pipeline or
8 corridor is to be located shall prepare a report as to the
9 impact on water resources and other matters within its
10 jurisdiction.

11 3. The Department of Community Affairs shall prepare a
12 report containing recommendations which address the impact
13 upon the public of the proposed natural gas transmission
14 pipeline or corridor, based on the degree to which the
15 proposed natural gas transmission pipeline or corridor is
16 consistent with the applicable portions of the state
17 comprehensive plan and other matters within its jurisdiction.
18 The Department of Community Affairs may also comment on the
19 consistency of the proposed natural gas transmission pipeline
20 or corridor with applicable strategic regional policy plans or
21 local comprehensive plans and land development regulations.

22 4. The Fish and Wildlife Conservation Commission shall
23 prepare a report as to the impact of each proposed natural gas
24 transmission pipeline or corridor on fish and wildlife
25 resources and other matters within its jurisdiction.

26 5. Each local government in which the natural gas
27 transmission pipeline or natural gas transmission pipeline
28 corridor will be located shall prepare a report as to the
29 impact of each proposed natural gas transmission pipeline or
30 corridor on matters within its jurisdiction, including the
31 consistency of the proposed natural gas transmission pipeline

1 or corridor with all applicable local ordinances, regulations,
2 standards, or criteria that apply to the proposed natural gas
3 transmission pipeline or corridor, including local
4 comprehensive plans, zoning regulations, land development
5 regulations, and any applicable local environmental
6 regulations adopted pursuant to s. 403.182 or by other means.
7 No change by the responsible local government or local agency
8 in local comprehensive plans, zoning ordinances, or other
9 regulations made after the date required for the filing of the
10 local government's report required by this section shall be
11 applicable to the certification of the proposed natural gas
12 transmission pipeline or corridor unless the certification is
13 denied or the application is withdrawn.

14 6. Each regional planning council in which the natural
15 gas transmission pipeline or natural gas transmission pipeline
16 corridor will be located shall present a report containing
17 recommendations that address the impact upon the public of the
18 proposed natural gas transmission pipeline or corridor, based
19 on the degree to which the natural gas transmission pipeline
20 or corridor is consistent with the applicable provisions of
21 the strategic regional policy plan adopted pursuant to chapter
22 186 and other impacts of each proposed natural gas
23 transmission pipeline or corridor on matters within its
24 jurisdiction.

25 7. The Department of Transportation shall prepare a
26 report on the effect of the natural gas transmission pipeline
27 or natural gas transmission pipeline corridor on matters
28 within its jurisdiction, including roadway crossings by the
29 pipeline. The report shall contain at a minimum:

30 a. A report by the applicant to the department stating
31 that all requirements of the department's utilities

1 accommodation guide have been or will be met in regard to the
2 proposed pipeline or pipeline corridor; and

3 b. A statement by the department as to the adequacy of
4 the report to the department by the applicant.

5 8. The Department of State, ~~Division of Historical~~
6 ~~Resources~~, shall prepare a report on the impact of the natural
7 gas transmission pipeline or natural gas transmission pipeline
8 corridor on matters within its jurisdiction over historical
9 resources.

10 9. The commission shall prepare a report addressing
11 matters within its jurisdiction. The commission's report shall
12 include its determination of need issued pursuant to s.
13 403.9422.

14 Section 137. Paragraph (a) of subsection (4) of
15 section 403.9411, Florida Statutes, is amended to read:

16 403.9411 Notice; proceedings; parties and
17 participants.--

18 (4)(a) Parties to the proceeding shall be:

19 1. The applicant.

20 2. The department.

21 3. The commission.

22 4. The Department of Community Affairs.

23 5. The Fish and Wildlife Conservation Commission.

24 6. Each water management district in the jurisdiction
25 of which the proposed natural gas transmission pipeline or
26 corridor is to be located.

27 7. The local government.

28 8. The regional planning council.

29 9. The Department of Transportation.

30 10. The Department of State, ~~Division of Historical~~
31 ~~Resources~~.

1 Section 138. Paragraph (h) of subsection (1) of
2 section 413.011, Florida Statutes, is amended to read:

3 413.011 Division of Blind Services, internal
4 organizational structure; Advisory Council for the Blind.--

5 (1) The internal organizational structure of the
6 Division of Blind Services shall be designed for the purpose
7 of ensuring the greatest possible efficiency and effectiveness
8 of services to the blind and to be consistent with chapter 20.
9 The Division of Blind Services shall plan, supervise, and
10 carry out the following activities:

11 (h) Cooperate with other agencies, public or private,
12 especially the Division of the Blind and Physically
13 Handicapped of the Library of Congress and the Office of State
14 Library, Archives, and Records ~~Division of Library and~~
15 ~~Information~~ Services of the Department of State, to provide
16 library service to the blind and other handicapped persons as
17 defined in federal law and regulations in carrying out any or
18 all of the provisions of this law.

19 Section 139. Paragraph (f) of subsection (5) of
20 section 443.004, Florida Statutes, is amended to read:

21 445.004 Workforce Florida, Inc.; creation; purpose;
22 membership; duties and powers.--

23 (5) Workforce Florida, Inc., shall have all the powers
24 and authority, not explicitly prohibited by statute, necessary
25 or convenient to carry out and effectuate the purposes as
26 determined by statute, Pub. L. No. 105-220, and the Governor,
27 as well as its functions, duties, and responsibilities,
28 including, but not limited to, the following:

29 (f) Archiving records with the Office of State
30 Library, Archives, and Records ~~Bureau of Archives and Records~~

31

1 ~~Management of the Division of Library and Information Services~~
2 of the Department of State.

3 Section 140. Subsection (4) of section 468.401,
4 Florida Statutes, is amended to read:

5 468.401 Regulation of talent agencies;
6 definitions.--As used in this part or any rule adopted
7 pursuant hereto:

8 (4) "Engagement" means any employment or placement of
9 an artist, where the artist performs in his or her artistic
10 capacity. However, the term "engagement" shall not apply to
11 procuring opera, music, theater, or dance engagements for any
12 organization defined in s. 501(c)(3) of the Internal Revenue
13 Code or any nonprofit Florida arts organization that has
14 received a grant from the Division of Cultural Affairs or the
15 Art and History Programs Office of the Department of State or
16 has participated in the state touring program of the division
17 or the office of Cultural Affairs.

18 Section 141. Subsection (21) of section 561.01,
19 Florida Statutes, is amended to read:

20 561.01 Definitions.--As used in the Beverage Law:

21 (21) For purposes of license qualification pursuant to
22 s. 561.20(2)(a)1. the term "historic structure" means a
23 structure that is listed on the National Register of Historic
24 Places pursuant to the National Historic Preservation Act of
25 1966, or is within and contributes to a registered historic
26 district pursuant to 26 U.S.C. s. 48(g)(3)(B), or has been
27 found to meet the criteria of historical significance of the
28 ~~Division of Historical Resources of the~~ Department of State,
29 as certified by that department ~~division~~ or by a locally
30 established historic preservation board or commission, or like
31 body, which has been granted authority to designate

1 historically significant properties by the jurisdiction within
2 which the hotel or motel is located.

3 Section 142. Subsection (3) of section 872.02, Florida
4 Statutes, is amended to read:

5 872.02 Injuring or removing tomb or monument;
6 disturbing contents of grave or tomb; penalties.--

7 (3) This section shall not apply to any person acting
8 under the direction or authority of the ~~Division of Historical~~
9 ~~Resources of the~~ Department of State, to cemeteries operating
10 under chapter 497, or to any person otherwise authorized by
11 law to remove or disturb a tomb, monument, gravestone, burial
12 mound, or similar structure, or its contents, as described in
13 subsection (1).

14 Section 143. Paragraphs (c) and (e) of subsection (2),
15 paragraphs (b) and (c) of subsection (4), paragraph (c) of
16 subsection (5), subsections (6), (7), and (8), and paragraph
17 (c) of subsection (10) of section 872.05, Florida Statutes,
18 are amended to read:

19 872.05 Unmarked human burials.--

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

21 (c) "Department" ~~"Division"~~ means the ~~Division of~~
22 ~~Historical Resources of the~~ Department of State.

23 (e) "State Archaeologist" means the person employed by
24 the department ~~division~~ pursuant to s. 267.031(6).

25 (4) DISCOVERY OF AN UNMARKED HUMAN BURIAL OTHER THAN
26 DURING AN ARCHAEOLOGICAL EXCAVATION.--When an unmarked human
27 burial is discovered other than during an archaeological
28 excavation authorized by the state or an educational
29 institution, all activity that may disturb the unmarked human
30 burial shall cease immediately, and the district medical
31 examiner shall be notified. Such activity shall not resume

1 unless specifically authorized by the district medical
2 examiner or the State Archaeologist.

3 (b) If the district medical examiner finds that the
4 unmarked human burial is not involved in a legal investigation
5 and represents the burial of an individual who has been dead
6 75 years or more, he or she shall notify the State
7 Archaeologist, and the department ~~division~~ may assume
8 jurisdiction over and responsibility for the unmarked human
9 burial pursuant to subsection (6).

10 (c) When the department ~~division~~ assumes jurisdiction
11 over an unmarked human burial, the State Archaeologist shall
12 consult a human skeletal analyst who shall report within 15
13 days as to the cultural and biological characteristics of the
14 human skeletal remains and where such burial or remains should
15 be held prior to a final disposition.

16 (5) DISCOVERY OF AN UNMARKED HUMAN BURIAL DURING AN
17 ARCHAEOLOGICAL EXCAVATION.--

18 (c) Within 15 days after the discovery of an unmarked
19 human burial, the archaeologist conducting the excavation
20 shall report to the State Archaeologist his or her opinion
21 regarding the cultural and biological characteristics of the
22 unmarked human burial and where human skeletal remains and
23 associated burial artifacts should be held prior to a final
24 disposition. The department ~~division~~ may assume jurisdiction
25 over and responsibility for the unmarked human burial pursuant
26 to subsection (6).

27 (6) JURISDICTION; DUTIES OF THE STATE
28 ARCHAEOLOGIST.--The department ~~division~~ may assume
29 jurisdiction over and responsibility for an unmarked human
30 burial in order to initiate efforts for the proper protection
31 of the burial and the human skeletal remains and associated

1 burial artifacts. Whenever the department ~~division~~ assumes
2 jurisdiction over and responsibility for an unmarked human
3 burial, the State Archaeologist shall:

4 (a) Determine whether the unmarked human burial is
5 historically, archaeologically, or scientifically significant.
6 If the burial is deemed significant, reinterment may not occur
7 until the remains have been examined by a human skeletal
8 analyst designated by the State Archaeologist.

9 (b) Make reasonable efforts to identify and locate
10 persons who can establish direct kinship, tribal, community,
11 or ethnic relationships with the individual or individuals
12 whose remains constitute the unmarked human burial. If
13 possible, the State Archaeologist shall consult with the
14 closest related family member or recognized community leaders,
15 if a community or ethnic relationship is established, in
16 determining the proper disposition of the remains found in the
17 unmarked human burial.

18 (c) If he or she is unable to establish a kinship,
19 tribal, community, or ethnic relationship with the unmarked
20 human burial, determine the proper disposition of the burial
21 and consult with persons with relevant experience, including:

- 22 1. A human skeletal analyst.
- 23 2. Two Native American members of current state tribes
24 recommended by the Governor's Council on Indian Affairs, Inc.,
25 if the remains are those of a Native American.
- 26 3. Two representatives of related community or ethnic
27 groups if the remains are not those of a Native American.
- 28 4. An individual who has special knowledge or
29 experience regarding the particular type of the unmarked human
30 burial.

31

1 If the State Archaeologist finds that an unmarked human burial
2 is historically, archaeologically, or scientifically
3 significant and if the parties with whom he or she is required
4 under this subsection to consult agree, the human skeletal
5 remains and the associated burial artifacts thereof shall
6 belong to the state with title thereto vested in the
7 department ~~division~~.

8 (7) REPORT REQUIRED.--The archaeologist and human
9 skeletal analyst involved in the archaeological excavation and
10 scientific analysis of an unmarked human burial shall submit a
11 written report of archaeological and scientific findings as
12 well as a summary of such findings, in terms that may be
13 understood by laypersons, to the State Archaeologist within 2
14 years after completion of an excavation. The department
15 ~~division~~ shall publish the summary within 1 year after its
16 receipt and shall make such report available upon request.

17 (8) PUBLIC DISPLAY.--

18 (a) Associated burial artifacts may be made available
19 on loan by the department ~~division~~ for educational purposes to
20 institutions that have demonstrated an ability to provide
21 safe, proper, and respectful care.

22 (b) The department ~~division~~ shall develop guidelines
23 and adopt rules regarding the public display of human remains.
24 Such guidelines and rules shall not restrict legal, medical,
25 or educational use of human skeletal remains, or the display
26 of human skeletal remains in a manner not objectionable to
27 groups with a kinship, tribal, community, or ethnic
28 relationship to the individual whose remains are displayed.

29 (10) VIOLATION AND PENALTIES.--

30 (c) This subsection shall not apply to any person
31 acting under the direction or authority of the department

1 ~~division~~ or to any person otherwise authorized by law to
2 disturb, destroy, or remove an unmarked human burial.

3 Section 144. Section 943.1728, Florida Statutes, is
4 amended to read:

5 943.1728 Basic skills training relating to the
6 protection of archaeological sites.--The commission shall
7 establish standards for instruction of law enforcement
8 officers in the subject of skills relating to the protection
9 of archaeological sites and artifacts. In developing such
10 standards and skills, the commission shall consult with
11 representatives of the following agencies: the ~~Division of~~
12 ~~Historical Resources of the~~ Department of State, the Fish and
13 Wildlife Conservation Commission, and the Department of
14 Environmental Protection. The commission shall develop the
15 standards for training in any of the following: basic recruit
16 courses, advanced and specialized courses, or other
17 appropriate training courses as determined by the commission.

18 Section 145. Subsection (1) and paragraph (b) of
19 subsection (3) of section 1004.51, Florida Statutes, are
20 amended to read:

21 1004.51 Community and Faith-based Organizations
22 Initiative; Community and Library Technology Access
23 Partnership.--

24 (1) CREATION.--There is created the Community and
25 Faith-based Organizations Initiative which shall be
26 administered by the Institute on Urban Policy and Commerce at
27 Florida Agricultural and Mechanical University and the
28 Community and Library Technology Access Partnership which
29 shall be administered by the Office of State Library,
30 Archives, and Records ~~Division of Library and Information~~
31 Services of the Department of State.

1 (3) AUTHORIZED ACTIVITIES.--

2 (b) Authorized activities of the partnership.--The
3 Office of State Library, Archives, and Records ~~Division of~~
4 ~~Library and Information~~ Services of the Department of State
5 may conduct the following activities as part of the Community
6 and Library Technology Access Partnership:

7 1. Provide funding for e-rate eligible public
8 libraries to provide technology access and training to
9 community and faith-based organizations. Funding provided
10 under this subparagraph must be for eligible public libraries
11 in distressed communities in the state. The office division
12 shall consult with the Institute on Urban Policy and Commerce
13 to identify such communities and to develop criteria to be
14 used in evaluating funding proposals. The office division
15 shall coordinate with the institute to ensure that, to the
16 maximum extent possible, the office division and the institute
17 leverage their resources under the programs authorized by this
18 section in order to focus efforts on addressing the most
19 distressed communities in the state. The office division shall
20 include a representative of the institute on a review team to
21 evaluate funding proposals under this subparagraph.

22 2. Provide a method of assessment and outcome
23 measurement for e-rate eligible public libraries to assess
24 progress in closing the digital divide and in training for
25 individuals to succeed in the emerging information economy.

26 Section 146. Subsection (2) of section 1004.52,
27 Florida Statutes, is amended to read:

28 1004.52 Community computer access grant program.--

29 (2) Subject to legislative appropriation, there is
30 created the Community High-Technology Investment Partnership
31 (CHIP) program to assist distressed urban communities in

1 securing computers for access by youths between the ages of 5
2 years and 18 years who reside in these communities. The
3 program shall be administered by the Institute on Urban Policy
4 and Commerce at Florida Agricultural and Mechanical University
5 pursuant to a performance-based contract with the Office of
6 State Library, Archives, and Records ~~Division of Library and~~
7 ~~Information~~ Services of the Department of State. The office
8 ~~division~~ shall develop performance measures, standards, and
9 sanctions for the program. Performance measures must include,
10 but are not limited to: the number of youths obtaining access
11 to computers purchased under this program; the number of hours
12 computers are made available to youths; and the number of
13 hours spent by youths on computers purchased under this
14 program for educational purposes. The administrative costs for
15 administration of this program cannot exceed 10 percent of the
16 amount appropriated to the office ~~division~~ for the program.

17 Section 147. Paragraph (a) of subsection (1) of
18 section 1004.94, Florida Statutes, is amended to read:

19 1004.94 Adult literacy.--

20 (1)(a) An adult, individualized literacy instruction
21 program is created for adults who possess literacy skills
22 below the ninth grade level. The purpose of the program is to
23 provide self-paced, competency-based, individualized tutorial
24 instruction. The commissioner shall administer this section in
25 coordination with community college boards of trustees, local
26 school boards, and the Office of State Library, Archives, and
27 Records ~~Division of Library and Information~~ Services of the
28 Department of State.

29 Section 148. Paragraph (g) of subsection (1) of
30 section 1013.64, Florida Statutes, is amended to read:

31

1 1013.64 Funds for comprehensive educational plant
2 needs; construction cost maximums for school district capital
3 projects.--Allocations from the Public Education Capital
4 Outlay and Debt Service Trust Fund to the various boards for
5 capital outlay projects shall be determined as follows:

6 (1)

7 (g) When an existing educational plant is determined
8 to be unsatisfactory pursuant to the survey conducted under s.
9 1013.31, the board may, by resolution, designate the plant as
10 a historic educational facility and may use funds generated
11 for renovation and remodeling pursuant to this section to
12 restore the facility for use by the board. The board shall
13 agree to pay renovation and remodeling costs in excess of
14 funds which such facility would have generated through the
15 depreciation formula in paragraph (a) had the facility been
16 determined to be satisfactory. The board shall further agree
17 that the plant shall continue to house students. The board may
18 designate a plant as a historic educational facility only if
19 the ~~Division of Historical Resources of the~~ Department of
20 State or the appropriate historic preservation board under
21 chapter 266 certifies that:

22 1. The plant is listed or determined eligible for
23 listing in the National Register of Historic Places pursuant
24 to the National Historic Preservation Act of 1966, as amended,
25 16 U.S.C. s. 470;

26 2. The plant is designated historic within a certified
27 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
28 Revenue Code; or

29 3. The department ~~division~~ or historic preservation
30 board otherwise finds that the plant is historically
31 significant.

1 Section 149. Section 257.015, Florida Statutes, is
2 created to read:
3 257.015 Definitions.--As used in this chapter, the
4 term:
5 (1) "Department" means the Department of State.
6 (2) "Secretary" means the Secretary of State.
7 (3) "Director" means the Program Director of the
8 Office of State Library, Archives, and Records Services.
9 (4) "State librarian" means the position to which a
10 person is appointed by the secretary pursuant to s. 257.031 as
11 head of the Office of State Library, Archives, and Records
12 Services.

13 Section 150. Sections 265.51, 265.52, 265.53, 265.54,
14 265.55, and 265.56, Florida Statutes, are repealed.

15 Section 151. This act shall take effect July 1, 2004.

16
17 *****

18 SENATE SUMMARY

19 Reorganizes the Department of State, abolishing divisions
20 as subunits of the department and providing for offices
21 to serve as the principal policy and program development
unit. Conforms statutory terminology to such
22 reorganization. Revises certain duties of the department.
23
24
25
26
27
28
29
30
31