

By the Committee on Governmental Oversight and Productivity;  
and Senator Wise

5-2484C-04

1                                   A bill to be entitled  
2           An act relating to the Department of State;  
3           amending s. 20.10, F.S.; reorganizing the  
4           department; providing for an Assistant  
5           Secretary of State and deputy secretaries;  
6           renaming the Division of Corporations;  
7           providing for a Bureau of Central Computing  
8           Support Services; providing direction relating  
9           to departmental grants processes and programs;  
10          prohibiting changes to statutorily required  
11          responsibilities and duties without specific  
12          statutory revision; amending ss. 119.092,  
13          205.023, 213.053, 213.50, 440.02, 440.05,  
14          607.0401, 607.1506, 617.0401, 617.1506,  
15          620.103, and 865.09, F.S., to conform; amending  
16          s. 14.2015, F.S.; providing for the performance  
17          of state protocol officer functions and the  
18          provision of assistance and facilities to the  
19          Organization of American States by the Officer  
20          of Tourism, Trade, and Economic Development;  
21          amending s. 15.16, F.S.; deleting specific  
22          statutory citations for required filings of  
23          records that may be required to be filed  
24          electronically; amending s. 15.182, F.S.;  
25          providing for notification of the Office of  
26          Tourism, Trade, and Economic Development  
27          regarding international travel by certain  
28          cultural arts organizations; creating s.  
29          257.015, F.S.; providing definitions; amending  
30          s. 257.02, F.S.; revising the membership of the  
31          State Library Council; increasing the size of

1 the council; providing criteria for membership  
2 and a selection process; providing for election  
3 of officers; amending s. 257.031, F.S.;  
4 deleting a reference to the State Library  
5 Council and provisions for officers; adding  
6 responsibilities for the State Librarian;  
7 amending s. 257.12, F.S.; designating the  
8 Division of Library and Information Services as  
9 the state library administrative agency;  
10 amending s. 257.192, F.S.; correcting  
11 provisions; amending s. 257.41, F.S.; deleting  
12 a requirement for issuance of a certificate to  
13 library cooperatives; creating s. 257.43, F.S.;  
14 providing for the establishment of a citizens  
15 support organization for certain purposes;  
16 providing for use of administrative services  
17 and property; requiring an annual audit;  
18 creating s. 257.44, F.S.; defining terms;  
19 requiring public libraries to provide  
20 technology that protects against Internet  
21 access to specified proscribed visual  
22 depictions; allowing adults to request  
23 disablement of the technology for specified  
24 purposes; requiring a public library to post  
25 notice of its Internet safety policy; providing  
26 for the assessment of a fine and attorney's  
27 fees and costs in connection with a violation  
28 by a public library; directing the Division of  
29 Library and Information Services within the  
30 Department of State to adopt rules requiring a  
31 written attestation under penalty of perjury of

1 compliance as a condition of state funding;  
2 providing that no cause of action arises for a  
3 violation by a public library except as  
4 provided; providing a finding of important  
5 state interest; amending s. 265.284, F.S.;  
6 designating the Division of Cultural Affairs as  
7 the state arts administrative agency; deleting  
8 obsolete provisions; amending s. 265.2865,  
9 F.S.; deleting obsolete provisions; amending s.  
10 265.606, F.S.; requiring post audits; amending  
11 ss. 265.701 and 265.702, F.S.; requiring  
12 recordation of covenants; requiring that a  
13 facility continue to be used as a cultural  
14 facility for a specified period; providing  
15 penalties; creating s. 265.703, F.S.; providing  
16 for the establishment of a citizens support  
17 organization for certain purposes; providing  
18 for the use of administrative services and  
19 property; requiring an annual audit; amending  
20 s. 267.0612, F.S.; providing for continuation  
21 as a member of the Florida Historical  
22 Commission until a replacement is appointed;  
23 amending s. 267.0731, F.S.; deleting obsolete  
24 provisions; repealing s. 267.16(3), F.S.;  
25 deleting obsolete provisions; amending ss.  
26 288.0251, 288.809, and 288.816, F.S., relating  
27 to international development outreach  
28 activities in Latin America and the Caribbean  
29 Basin, the Florida Intergovernmental Relations  
30 Foundation, and intergovernmental relations, to  
31 conform; amending s. 288.8175, F.S.; redefining

1 the term "department" for purposes of linkage  
2 institutes between postsecondary institutions  
3 in this state and foreign countries;  
4 transferring the provision of assistance and  
5 facilities to the Organization of American  
6 States, state protocol officer functions,  
7 international development outreach activities  
8 in Latin America and the Caribbean Basin, the  
9 Florida Intergovernmental Relations Foundation,  
10 and intergovernmental relations functions by a  
11 type two transfer from the Department of State  
12 to the Executive Office of the Governor;  
13 excluding the transfer of certain trust funds;  
14 transferring linkage institutes between  
15 postsecondary institutions in this state and  
16 foreign countries by a type two transfer from  
17 the Department of State to the Department of  
18 Education; excluding the transfer of certain  
19 trust funds; repealing s. 15.0913, F.S.,  
20 relating to performance standards for Uniform  
21 Commercial Code documents; repealing ss. 15.17  
22 and 15.19, F.S., relating to the provision of  
23 assistance and facilities to the Organization  
24 of American States and the performance of state  
25 protocol officer functions; repealing ss.  
26 265.51, 265.52, 265.53, 265.54, 265.55, and  
27 265.56, F.S., relating to the authority of the  
28 department to enter indemnity agreements;  
29 providing for severability; providing an  
30 effective date.  
31

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

2

3 Section 1. 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 two 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 directly responsible to the secretary, shall have  
22 oversight of the Division of Historical Resources and the  
23 Division of Cultural Affairs, and shall perform such other  
24 duties as assigned by the secretary.

25 (c) The Deputy Secretary for State Records is directly  
26 responsible to the secretary, shall have oversight of the  
27 Division of Elections, Division of State Recordings, and the  
28 Division of Library and Information Services, and shall  
29 perform such other duties as assigned by the secretary.

30 (3)(2) The following divisions of the Department of  
31 State are established:

1 (a) Division of Elections.  
2 (b) Division of Historical Resources.  
3 (c) Division of State Recordings Corporations.  
4 (d) Division of Library and Information Services.  
5 (e) Division of Cultural Affairs.  
6 (f) Division of Administration.  
7 1. Bureau of Central Computing Support Services.  
8 (4) The department is encouraged to computerize its  
9 grant application and other processes. The department, to the  
10 extent feasible, may cross train employees with grant  
11 expertise in the divisions with responsibility for grant  
12 awards and shall use uniform grant processes and forms, where  
13 appropriate. The department shall not modify the standards or  
14 the program and grant relationships and responsibilities  
15 established in law.  
16 (5) Statutorily required duties and responsibilities  
17 of and programs assigned to divisions within the department or  
18 those required of or assigned to the department shall not be  
19 changed without specific statutory revision.  
20 (6)(3) The Department of State may adopt rules  
21 pursuant to ss. 120.536(1) and 120.54 to administer the  
22 provisions of law conferring duties upon the department.  
23 Section 2. Subsections (10) and (11) are added to  
24 section 14.2015, Florida Statutes, to read:  
25 14.2015 Office of Tourism, Trade, and Economic  
26 Development; creation; powers and duties.--  
27 (10) The director of the Office of Tourism, Trade, and  
28 Economic Development shall serve as the state protocol  
29 officer. In consultation with the Governor and other  
30 governmental officials, the director of the Office of Tourism,  
31

1 Trade, and Economic Development shall develop, maintain,  
2 publish, and distribute the state protocol manual.

3 (11) The Legislature authorizes the Office of Tourism,  
4 Trade, and Economic Development to provide assistance and  
5 facilities to the Organization of American States in  
6 establishing and maintaining a regional headquarters in this  
7 state.

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

10 15.16 Reproduction of records; admissibility in  
11 evidence; electronic receipt and transmission of records;  
12 certification; acknowledgment.--

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

23 Section 4. Section 15.182, Florida Statutes, is  
24 amended to read:

25 15.182 International travel by state-funded musical,  
26 cultural, or artistic organizations; notification to Office of  
27 Tourism, Trade, and Economic Development ~~Department of~~  
28 ~~State.~~--

29 (1) If a musical, cultural, or artistic organization  
30 that receives state funding is traveling internationally for a  
31 presentation, performance, or other significant public

1 viewing, including an organization associated with a college  
2 or university, such organization shall notify the Office of  
3 Tourism, Trade, and Economic Development ~~Department of State~~  
4 of its intentions to travel, together with the date, time, and  
5 location of each appearance. ~~It is the desire of the~~  
6 ~~Legislature that such cultural exchanges be coordinated with~~  
7 ~~the state's economic development goals. The Secretary of~~  
8 ~~State shall notify Enterprise Florida, Inc., of the intended~~  
9 ~~travel schedule of all such organizations, including, but not~~  
10 ~~limited to, symphonies, troupes, musical performing groups,~~  
11 ~~traveling exhibitions sponsored by museums, and performance~~  
12 ~~artists.~~

13 (2) The Office of Tourism, Trade, and Economic  
14 Development ~~Department of State~~, in conjunction with  
15 Enterprise Florida, Inc., shall act as an intermediary between  
16 performing musical, cultural, and artistic organizations and  
17 Florida businesses to encourage and coordinate joint  
18 undertakings. Such coordination may include, but is not  
19 limited to, encouraging business and industry to sponsor  
20 cultural events, assistance with travel of such organizations,  
21 and coordinating travel schedules of cultural performance  
22 groups and international trade missions.

23 (3) An organization shall provide the notification to  
24 the Department of State required by this section at least 30  
25 days prior to the date the international travel is to commence  
26 or, when an intention to travel internationally is not formed  
27 at least 30 days in advance of the date the travel is to  
28 commence, as soon as feasible after forming such travel  
29 intention. The Department of State shall take an active role  
30 in informing such groups of the responsibility to notify the  
31 department of travel intentions.



1           Section 5. Section 119.092, Florida Statutes, is  
2 amended to read:

3           119.092 Registration by federal employer's  
4 registration number.--Each state agency which registers or  
5 licenses corporations, partnerships, or other business  
6 entities shall include, by July 1, 1978, within its numbering  
7 system, the federal employer's identification number of each  
8 corporation, partnership, or other business entity registered  
9 or licensed by it. Any state agency may maintain a dual  
10 numbering system in which the federal employer's  
11 identification number or the state agency's own number is the  
12 primary identification number; however, the records of such  
13 state agency shall be designed in such a way that the record  
14 of any business entity is subject to direct location by the  
15 federal employer's identification number. The Department of  
16 State shall keep a registry of federal employer's  
17 identification numbers of all business entities, registered  
18 with the Division of State Recordings Corporations, which  
19 registry of numbers may be used by all state agencies.

20           Section 6. Subsection (1) of section 205.023, Florida  
21 Statutes, is amended to read:

22           205.023 Requirement to report status of fictitious  
23 name registration.--As a prerequisite to receiving a local  
24 occupational license under this chapter or transferring a  
25 business license under s. 205.033(2) or s. 205.043(2), the  
26 applicant or new owner must present to the county or  
27 municipality that has jurisdiction to issue or transfer the  
28 license either:

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

1           Section 7. Paragraph (b) of subsection (7) and  
2 subsection (14) of section 213.053, Florida Statutes, are  
3 amended to read:

4           213.053 Confidentiality and information sharing.--

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

7           (b) Names, addresses, and dates of commencement of  
8 business activities of corporations to the Division of State  
9 Recordings Corporations of the Department of State in the  
10 conduct of its official duties.

11  
12 Disclosure of information under this subsection shall be  
13 pursuant to a written agreement between the executive director  
14 and the agency. Such agencies, governmental or  
15 nongovernmental, shall be bound by the same requirements of  
16 confidentiality as the Department of Revenue. Breach of  
17 confidentiality is a misdemeanor of the first degree,  
18 punishable as provided by s. 775.082 or s. 775.083.

19           (14)(a) Notwithstanding any other provision of this  
20 section, the department shall, subject to the safeguards  
21 specified in paragraph (c), disclose to the Division of State  
22 Recordings Corporations of the Department of State the name,  
23 address, federal employer identification number, and duration  
24 of tax filings with this state of all corporate or partnership  
25 entities which are not on file or have a dissolved status with  
26 the Division of State Recordings Corporations and which have  
27 filed tax returns pursuant to either chapter 199 or chapter  
28 220.

29           (b) The Division of State Recordings Corporations  
30 shall use such information only in the pursuit of its official  
31 duties relative to nonqualified foreign or dissolved

1 corporations in the recovery of fees and penalties due and  
2 owing the state.

3 (c) All information exchanged between the Division of  
4 State Recordings ~~Corporations~~ and the department shall be  
5 subject to the same requirements of confidentiality as the  
6 Department of Revenue.

7 Section 8. Subsection (2) of section 213.50, Florida  
8 Statutes, is amended to read:

9 213.50 Failure to comply; revocation of corporate  
10 charter; refusal to reinstate charter.--

11 (2) A request for reinstatement of a corporate charter  
12 may not be granted by the Division of State Recordings  
13 ~~Corporations~~ of the Department of State if an outstanding tax  
14 warrant has existed for that corporation for more than 3  
15 consecutive months.

16 Section 9. Section 257.015, Florida Statutes, is  
17 created to read:

18 257.015 Definitions.--As used in this chapter, the  
19 term:

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

21 (2) "Division" means the Division of Library and  
22 Information Services of the Department of State.

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

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

28 Section 10. Subsections (1) and (3) of section 257.02,  
29 Florida Statutes, are amended, and subsection (4) is added to  
30 that section, to read:

31 257.02 State Library Council.--

1           (1) There shall be a State Library Council to advise  
2 and assist the Division of Library and Information Services on  
3 its programs and activities. The council shall consist of  
4 nine ~~seven~~ members who shall be appointed by the Secretary of  
5 State. Of the nine members, at least one must represent a  
6 Florida library professional association, at least one must  
7 represent a Florida archive professional association, at least  
8 one must represent a Florida records management professional  
9 association, and at least one must be a person who is not, and  
10 has never been, employed in a library or in teaching library  
11 science courses.~~At least one member of the council must be a~~  
12 ~~person who is 60 years of age or older; and at least one~~  
13 ~~member of the council must be a person who is not, and has~~  
14 ~~never been, employed in a library or in teaching library~~  
15 ~~science courses.~~Members shall be appointed for 4-year terms.  
16 A vacancy on the council shall be filled for the period of the  
17 unexpired term. No person may be appointed to serve more than  
18 two consecutive terms as a member of the council. The  
19 Secretary of State may remove from office any council member  
20 for malfeasance, misfeasance, neglect of duty, incompetence,  
21 permanent inability to perform official duties, or pleading  
22 guilty or nolo contendere to, or being found guilty of, a  
23 felony. ~~In addition to, and at the request of, the members of~~  
24 ~~the council appointed by the Secretary of State, the~~  
25 ~~president-elect of the Florida Library Association may serve~~  
26 ~~as a member of the council in a nonvoting capacity during his~~  
27 ~~or her term as president-elect.~~

28           (3) The Secretary of State may, in making  
29 appointments, consult Florida's library, archival, and records  
30 management community,~~the Florida Library Association~~ and  
31 related statewide associations and organizations for

1 suggestions as to persons having special knowledge and  
2 interest concerning libraries.

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

7 Section 11. Section 257.031, Florida Statutes, is  
8 amended to read:

9 257.031 State Librarian Organization of council;  
10 appointment and duties of State Librarian.--

11 ~~(1) The officers of the State Library Council shall be~~  
12 ~~a chair, elected from the members thereof, and the State~~  
13 ~~Librarian, who shall serve without voting rights as secretary~~  
14 ~~of the council.~~ The State Librarian shall be appointed by the  
15 Secretary of State, shall have completed a library school  
16 program accredited by the American Library Association, and  
17 shall serve as the director of the Division of Library and  
18 Information Services of the Department of State. The  
19 Secretary of State may, in making the appointment of State  
20 Librarian, consult the members of the State Library Council.

21 (2) The State Librarian shall:

22 (a) Keep a record of the proceedings of the State  
23 Library Council;

24 (b) Keep an accurate account of the financial  
25 transactions of the division;

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

29 (d) In general, perform such duties as may, from time  
30 to time, be assigned to him or her by the Secretary of State;  
31 and

1           (e) Manage operations of the programs assigned by law  
2 to the division.

3           Section 12. Section 257.12, Florida Statutes, is  
4 amended to read:

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

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

15           Section 13. Section 257.192, Florida Statutes, is  
16 amended to read:

17           257.192 Program grants.--The Division of Library and  
18 Information Services is authorized to accept and administer  
19 appropriations for library program grants and to make such  
20 grants in accordance with the Florida long-range plan ~~program~~  
21 for library services.

22           Section 14. Subsection (2) of section 257.41, Florida  
23 Statutes, is amended to read:

24           257.41 Library cooperatives; organization; receipt of  
25 state moneys.--

26           (2) The Division of Library and Information Services  
27 of the Department of State shall establish operating standards  
28 and rules under which a library cooperative is eligible to  
29 receive state moneys. ~~The division shall issue a certificate~~  
30 ~~to each library cooperative that meets the standards and rules~~  
31 ~~established under this subsection.~~

1           Section 15. Section 257.43, Florida Statutes, is  
2 created to read:

3           257.43 Citizen support organization; use of state  
4 administrative services and property; audit.--

5           (1) CITIZEN SUPPORT ORGANIZATION.--The division may  
6 support the establishment of a citizen support organization to  
7 provide assistance, funding, and promotional support for the  
8 library, archives, and records management programs of the  
9 division. For the purposes of this section, the term "citizen  
10 support organization" means an organization that is:

11           (a) A Florida corporation not for profit incorporated  
12 under the provisions of chapter 617 and approved by the  
13 Department of State;

14           (b) Organized and operated to conduct programs and  
15 activities; raise funds; request and receive grants, gifts,  
16 and bequests of money; acquire, receive, hold, invest, and  
17 administer, in its own name, securities, funds, objects of  
18 value, or other property, real or personal; and make  
19 expenditures to or for the direct or indirect benefit of the  
20 division or individual program units of the division;

21           (c) Determined by the division to be consistent with  
22 the goals of the division and in the best interests of the  
23 state; and

24           (d) Approved in writing by the division to operate for  
25 the direct or indirect benefit of the division. Such approval  
26 shall be given in a letter of agreement from the division.

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

28           (a) The division may fix and collect charges for the  
29 rental of facilities and properties managed by the division  
30 and may permit, without charge, appropriate use of  
31 administrative services, property, and facilities of the

1 division by a citizen support organization, subject to the  
2 provisions of this section. Such use must be directly in  
3 keeping with the approved purposes of the citizen support  
4 organization and may not be made at times or places that would  
5 unreasonably interfere with opportunities for the general  
6 public to use such facilities for established purposes. Any  
7 moneys received from rentals of facilities and properties  
8 managed by the division may be held in the operating trust  
9 fund of the division or in a separate depository account in  
10 the name of the citizen support organization and subject to  
11 the provisions of the letter of agreement with the division.

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

16 (c) The division shall not permit the use of any  
17 administrative services, property, or facilities of the state  
18 by a citizen support organization which does not provide equal  
19 membership and employment opportunities to all persons  
20 regardless of race, color, religion, sex, age, or national  
21 origin.

22 (3) ANNUAL AUDIT.--The citizen support organization  
23 shall provide for an annual financial audit in accordance with  
24 s. 215.981.

25 Section 16. Effective October 1, 2004, section 257.44,  
26 Florida Statutes, is created to read:

27 257.44 Internet screening in public libraries.--

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

29 (a) "Administrative unit" means the entity designated  
30 by a local government body as responsible for the  
31



1 administration of all public library locations established or  
2 maintained by that local government body.

3 (b) "Child pornography" has the same meaning as in  
4 section 847.001, Florida Statutes.

5 (c) "Harmful to minors" means any picture, image,  
6 graphic image file, or other visual depiction that:

7 1. Taken as a whole and with respect to minors,  
8 appeals to a prurient interest in nudity, sex, or excretion;

9 2. Depicts, describes, or represents, in a patently  
10 offensive way with respect to what is suitable for minors, an  
11 actual or simulated sexual act or sexual contact, an actual or  
12 simulated normal or perverted sexual act, or a lewd exhibition  
13 of the genitals; and

14 3. Taken as a whole, lacks serious literary, artistic,  
15 political, or scientific value as to minors.

16 (d) "Minor" means an individual who is younger than 18  
17 years of age.

18 (e) "Obscene" has the same meaning as in section  
19 847.001, Florida Statutes.

20 (f) "Public computer" means a computer that is made  
21 available to the public and that has Internet access.

22 (g) "Public library" means any library that is open to  
23 the public and that is established or maintained by one or  
24 more of the following local government bodies in this state:  
25 county; municipality; consolidated city-county government;  
26 special district; or special tax district. The term "public  
27 library" does not include a library that is open to the public  
28 and that is established or maintained by a community college  
29 or state university.

30  
31

1           (h) "Reasonable efforts" means the public library, as  
2 required by subsection (2), in its ordinary course of  
3 business:

- 4           1. Is posting its Internet safety policy;  
5           2. Is using a technology protection measure on all  
6 public computers; and  
7           3. Disables the technology protection measure upon an  
8 adult's request to use the computer for bona fide research or  
9 other lawful purpose.

10           (i) "Technology protection measure" means software or  
11 equivalent technology that blocks or filters Internet access  
12 to the visual depictions that are proscribed under subsection  
13 (2).

14           (2)(a) Each public library shall enforce an Internet  
15 safety policy that provides for:

- 16           1. Installation and operation of a technology  
17 protection measure on all public computers in the public  
18 library which protects against access through such computers  
19 by adults to visual depictions that are obscene or child  
20 pornography and by minors to visual depictions that are  
21 obscene, child pornography, or harmful to minors; and  
22           2. Disablement of the technology protection measure by  
23 an employee of the public library upon an adult's request to  
24 use the computer for bona fide research or other lawful  
25 purpose.

26           (b) Each public library shall post a notice in a  
27 conspicuous area of the public library which indicates that an  
28 Internet safety policy has been adopted and informs the public  
29 that the Internet safety policy is available for review at  
30 each public library.

31

1           (c) A public library may not maintain a list of the  
2 names of adults who request that the technology protection  
3 measure be disabled under this subsection.

4           (3)(a) In the event a public library knowingly fails  
5 to make reasonable efforts to comply with subsection (2), a  
6 resident of this state is authorized to seek enforcement as  
7 provided in this subsection. Within 45 days after the  
8 occurrence of a public library's alleged failure to make  
9 reasonable efforts, the resident shall first mail to the head  
10 of the applicable administrative unit a notice of intended  
11 civil action for enforcement, which shall identify each public  
12 library location implicated and shall specify the facts and  
13 circumstances alleged to constitute a violation of subsection  
14 (2). Within 45 days after the receipt of such notice, the head  
15 of the administrative unit shall mail to the resident who  
16 provided the notice a written response specifying the efforts,  
17 if any, each public library location identified in the notice  
18 is making to comply with the requirements of subsection (2).  
19 All mailings required by this paragraph shall be certified  
20 with return receipt requested.

21           (b) If the resident does not receive the written  
22 response required by paragraph (a) within 60 days after  
23 receipt of the notice by the head of the administrative unit,  
24 or if the written response fails to indicate that the public  
25 library is making reasonable efforts to comply with subsection  
26 (2), the resident may bring a civil cause of action in the  
27 circuit court of the county in which the administrative unit  
28 is located to seek injunctive relief to enforce compliance  
29 with subsection (2). In connection with such enforcement, the  
30 court shall impose a civil fine upon the administrative unit  
31 in the amount of \$100 per day per public library location that

1 is found to have not made reasonable efforts to comply with  
2 subsection (2). Accrual of the fine shall be for the period  
3 between the date that the head of the administrative unit  
4 received notice of the intended civil action for enforcement  
5 and the date upon which the public library location begins  
6 making reasonable efforts to comply with subsection (2).

7 (c) In any civil action brought pursuant to paragraph  
8 (b), attorney's fees and costs awards shall be as follows:

9 1. An administrative unit that is fined pursuant to  
10 paragraph (b) shall be ordered to pay reasonable attorney's  
11 fees and costs to a prevailing resident; or

12 2. A resident shall be ordered to pay reasonable  
13 attorney's fees and costs to an administrative unit if the  
14 court finds that the filing of the action was in bad faith or  
15 frivolous.

16 (d) The clerk of the circuit court shall act as the  
17 depository for all moneys collected pursuant to this  
18 subsection. The clerk may retain a service charge of \$1 for  
19 each payment received under this subsection. On a monthly  
20 basis, the clerk shall transfer the moneys collected pursuant  
21 to this subsection to the Department of Revenue for deposit in  
22 the Records Management Trust Fund within the Department of  
23 State.

24 (4) The Division of Library and Information Services  
25 within the Department of State shall adopt rules pursuant to  
26 sections 120.536(1) and 120.54, Florida Statutes, which  
27 require the head of each administrative unit to annually  
28 attest in writing, under penalty of perjury, that all public  
29 library locations within the administrative unit are in  
30 compliance with subsection (2), as a condition of the receipt  
31

1 of any state funds distributed under chapter 257, Florida  
2 Statutes.

3 (5) No cause of action, except that authorized in  
4 subsection (3), shall arise in favor of any person due to a  
5 public library's failure to comply with subsection (2).

6 Section 17. In accordance with Section 18, Article VII  
7 of the State Constitution, the Legislature finds that the  
8 installation and operation by public libraries of technology  
9 protection measures that protect against access by adults to  
10 visual depictions that are obscene or child pornography and by  
11 minors to visual depictions that are obscene, child  
12 pornography, or harmful to minors, as required by section  
13 257.44, Florida Statutes, fulfills an important state  
14 interest. This section shall take effect October 1, 2004.

15 Section 18. Subsections (1) and (6) of section  
16 265.284, Florida Statutes, are amended to read:

17 265.284 Chief cultural officer; director of division;  
18 powers and duties.--

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

22 ~~(6) Subject to funding by the Legislature, there are~~  
23 ~~created the State Orchestra Program, State Dance Program, and~~  
24 ~~State Opera Program, each to be administered as part of, and~~  
25 ~~under the direct supervision of, the Division of Cultural~~  
26 ~~Affairs.~~

27 Section 19. Subsection (4) of section 265.2865,  
28 Florida Statutes, is amended to read:

29 265.2865 Florida Artists Hall of Fame.--

30 (4) ~~In the first year, the Secretary of State shall~~  
31 ~~name no more than 12 members to the Florida Artists Hall of~~

1 ~~Fame. Thereafter,~~The Secretary of State shall name no more  
2 than four members to the Florida Artists Hall of Fame in any 1  
3 year.

4 Section 20. Subsection (4) of section 265.606, Florida  
5 Statutes, is amended to read:

6 265.606 Cultural Endowment Program; administration;  
7 qualifying criteria; matching fund program levels;  
8 distribution.--

9 (4) Once the secretary has determined that the  
10 sponsoring organization has complied with the criteria imposed  
11 by this section, he or she may authorize the transfer of the  
12 appropriate state matching funds to the organization. However,  
13 the secretary shall ensure that the local group has made  
14 prudent arrangements for the trusteeship of the entire  
15 endowment, and such trusteeship is hereby created. The  
16 sponsoring organization may then expend moneys in the  
17 endowment program fund, subject to the following requirements:

18 (a) The organization may expend funds only for  
19 operating costs incurred while engaged in programs directly  
20 related to cultural activities.

21 (b) The organization shall annually submit a report to  
22 the division, in such form as the division specifies,  
23 explaining how endowment program funds were utilized.

24 (c) Any contract administered under this section shall  
25 require the local sponsoring organization to submit to the  
26 division an annual post audit of its financial accounts  
27 conducted by an independent certified public accountant.

28 Section 21. Present subsection (4) of section 265.701,  
29 Florida Statutes, is redesignated as subsection (5), and a new  
30 subsection (4) is added to that section, to read:

31

1           265.701 Cultural facilities; grants for acquisition,  
2 renovation, or construction; funding; approval; allocation.--

3           (4) Any contract administered under this section shall  
4 require the recordation of a restrictive covenant by the  
5 grantee and property owner or the purchase of a bond as  
6 prescribed by rule to ensure that the facility continues to be  
7 used as a cultural facility for a period of 10 years following  
8 the grant award. If the facility ceases to be used as a  
9 cultural facility during the 10 years following the grant  
10 award, the grant funds shall be repaid to the department  
11 according to an amortization schedule set forth in rule.

12           Section 22. Present subsection (8) of section 265.702,  
13 Florida Statutes, is redesignated as subsection (9), and a new  
14 subsection (8) is added to that section, to read:

15           265.702 Regional cultural facilities; grants for  
16 acquisition, renovation, or construction; funding; approval;  
17 allocation.--

18           (8) Any contract administered under this section shall  
19 require the recordation of a restrictive covenant by the  
20 grantee and property owner or the purchase of a bond as  
21 prescribed by rule to ensure that the facility continues to be  
22 used as a regional cultural facility for a period of 10 years  
23 following the grant award. If the facility ceases to be used  
24 as a cultural facility during the 10 years following the grant  
25 award, the grant funds shall be repaid to the department  
26 according to an amortization schedule set forth in rule.

27           Section 23. Section 265.703, Florida Statutes, is  
28 created to read:

29           265.703 Citizen support organization; use of state  
30 administrative services and property; audit.--

31

1           (1) CITIZEN SUPPORT ORGANIZATION.--The division may  
2 support the establishment of a citizen support organization to  
3 provide assistance, funding, and promotional support for the  
4 cultural and arts programs of the division. For purposes of  
5 this section, the term "citizen support organization" means an  
6 organization that is:

7           (a) A Florida corporation not for profit incorporated  
8 under the provisions of chapter 617 and approved by the  
9 Department of State;

10           (b) Organized and operated to conduct programs and  
11 activities; raise funds; request and receive grants, gifts,  
12 and bequests of money; acquire, receive, hold, invest, and  
13 administer, in its own name, securities, funds, objects of  
14 value, or other property, real or personal; and make  
15 expenditures to or for the direct or indirect benefit of the  
16 division or individual program units of the division;

17           (c) Determined by the division to be consistent with  
18 the goals of the division and in the best interests of the  
19 state; and

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

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

24           (a) The division may fix and collect charges for the  
25 rental of facilities and properties managed by the division  
26 and may permit, without charge, appropriate use of  
27 administrative services, property, and facilities of the  
28 division by a citizen support organization, subject to the  
29 provisions of this section. Such use must be directly in  
30 keeping with the approved purposes of the citizen support  
31 organization and may not be made at times or places that would



1 unreasonably interfere with opportunities for the general  
2 public to use such facilities for established purposes. Any  
3 moneys received from rentals of facilities and properties  
4 managed by the division may be held in the operating trust  
5 fund of the division or in a separate depository account in  
6 the name of the citizen support organization and subject to  
7 the provisions of the letter of agreement with the division.

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

12 (c) The division shall not permit the use of any  
13 administrative services, property, or facilities of the state  
14 by a citizen support organization which does not provide equal  
15 membership and employment opportunities to all persons  
16 regardless of race, color, religion, sex, age, or national  
17 origin.

18 (3) ANNUAL AUDIT.--The citizen support organization  
19 shall provide for an annual financial audit in accordance with  
20 s. 215.981.

21 Section 24. Paragraph (a) of subsection (1) of section  
22 267.0612, Florida Statutes, is amended to read:

23 267.0612 Florida Historical Commission; creation;  
24 membership; powers and duties.--In order to enhance public  
25 participation and involvement in the preservation and  
26 protection of the state's historic and archaeological sites  
27 and properties, there is created within the Department of  
28 State the "Florida Historical Commission." The commission  
29 shall serve in an advisory capacity to the director of the  
30 Division of Historical Resources to assist the director in  
31

1 carrying out the purposes, duties, and responsibilities of the  
2 division, as specified in this chapter.

3 (1)(a) The commission shall be composed of 11 members.  
4 Seven members shall be appointed by the Governor in  
5 consultation with the Secretary of State, two members shall be  
6 appointed by the President of the Senate, and two members  
7 shall be appointed by the Speaker of the House of  
8 Representatives. Of the seven members appointed by the  
9 Governor, one member must be a licensed architect who has  
10 expertise in historic preservation and architectural history;  
11 one member must be a professional historian in the field of  
12 American history; one member must be a professional  
13 architectural historian; one member must be an archaeologist  
14 specializing in the field of prehistory; and one member must  
15 be an archaeologist specializing in the historic period. The  
16 remaining two members appointed by the Governor and the two  
17 members appointed by the President of the Senate and the  
18 Speaker of the House of Representatives, respectively, must be  
19 representatives of the general public with demonstrated  
20 interest in the preservation of Florida's historical and  
21 archaeological heritage. At least one member of the commission  
22 shall be a resident of a county that has a population of  
23 75,000 or fewer ~~less~~. A member whose term has expired shall  
24 continue to serve on the commission until such time as a  
25 replacement is appointed.

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

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

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

3 (1)

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

10 (c) Annually, the division shall convene an ad hoc  
11 committee composed of representatives of the Governor, each  
12 member of the Florida Cabinet, the President of the Senate,  
13 the Speaker of the House of Representatives, and the  
14 organization described in paragraph (b) ~~Museum of Florida~~  
15 ~~History Foundation, Inc.~~ This committee shall meet at least  
16 twice. The committee shall nominate not fewer than two persons  
17 whose names shall be submitted to the Secretary of State with  
18 the recommendation that they be honored with the designation  
19 "Great Floridian."

20 Section 26. Subsection (3) of section 267.16, Florida  
21 Statutes, is repealed.

22 Section 27. Section 288.0251, Florida Statutes, is  
23 amended to read:

24 288.0251 International development outreach activities  
25 in Latin America and Caribbean Basin.--The Office of Tourism,  
26 Trade, and Economic Development ~~Department of State~~ may  
27 contract for the implementation of Florida's international  
28 volunteer corps to provide short-term training and technical  
29 assistance activities in Latin America and the Caribbean  
30 Basin. The entity contracted under this section must require  
31 that such activities be conducted by qualified volunteers who

1 are citizens of the state. The contracting agency must have a  
2 statewide focus and experience in coordinating international  
3 volunteer programs.

4 Section 28. Subsections (1), (2), and (3) of section  
5 288.809, Florida Statutes, are amended to read:

6 288.809 Florida Intergovernmental Relations  
7 Foundation; use of property; board of directors; audit.--

8 (1) DEFINITIONS.--For the purposes of this section,  
9 the term:

10 (a) "Florida Intergovernmental Relations Foundation"  
11 means a direct-support organization:

12 1. Which is a corporation not for profit that is  
13 incorporated under the provisions of chapter 617 and approved  
14 by the Department of State;

15 2. Which is organized and operated exclusively to  
16 solicit receive, hold, invest, and administer property and,  
17 subject to the approval of the Office of Tourism, Trade, and  
18 Economic Development ~~Department of State~~, to make expenditures  
19 to or for the promotion of intergovernmental relations  
20 programs; and

21 3. Which the Office of Tourism, Trade, and Economic  
22 Development ~~Department of State~~, after review, has certified  
23 to be operating in a manner consistent with the policies and  
24 goals of the office ~~department~~.

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

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

29 (a) Is authorized to permit the use of property,  
30 facilities, and personal services of the Office of Tourism,  
31

1 Trade, and Economic Development ~~department~~ by the foundation,  
2 subject to the provisions of this section.

3 (b) Shall prescribe conditions with which the  
4 foundation must comply in order to use property, facilities,  
5 or personal services of the Office of Tourism, Trade, and  
6 Economic Development ~~department~~. Such conditions shall provide  
7 for budget and audit review and for oversight by the Office of  
8 Tourism, Trade, and Economic Development ~~department~~.

9 (c) Shall not permit the use of property, facilities,  
10 or personal services of the foundation if the foundation does  
11 not provide equal employment opportunities to all persons,  
12 regardless of race, color, national origin, sex, age, or  
13 religion.

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

18 Section 29. Section 288.816, Florida Statutes, is  
19 amended to read:

20 288.816 Intergovernmental relations.--

21 (1) The Office of Tourism, Trade, and Economic  
22 Development ~~Secretary of State~~ shall be responsible for  
23 consular operations and the sister city and sister state  
24 program and shall serve as liaison with foreign, federal, and  
25 other state international organizations and with county and  
26 municipal governments in Florida.

27 (2) The Office of Tourism, Trade, and Economic  
28 Development ~~secretary~~ shall be responsible for all consular  
29 relations between the state and all foreign governments doing  
30 business in Florida. The office ~~secretary~~ shall monitor  
31 United States laws and directives to ensure that all federal

1 treaties regarding foreign privileges and immunities are  
2 properly observed. The office ~~secretary~~ shall promulgate rules  
3 which shall:

4 (a) Establish a viable system of registration for  
5 foreign government officials residing or having jurisdiction  
6 in the state. Emphasis shall be placed on maintaining active  
7 communication between the secretary and the United States  
8 Department of State in order to be currently informed  
9 regarding foreign governmental personnel stationed in, or with  
10 official responsibilities for, Florida. Active dialogue shall  
11 also be maintained with foreign countries which historically  
12 have had dealings with Florida in order to keep them informed  
13 of the proper procedure for registering with the state.

14 (b) Maintain and systematically update a current and  
15 accurate list of all such foreign governmental officials,  
16 consuls, or consulates.

17 (c) Issue certificates to such foreign governmental  
18 officials after verification pursuant to proper investigations  
19 through United States Department of State sources and the  
20 appropriate foreign government.

21 (d) Verify entitlement to sales and use tax exemptions  
22 pursuant to United States Department of State guidelines and  
23 identification methods.

24 (e) Verify entitlement to issuance of special motor  
25 vehicle license plates by the Division of Motor Vehicles of  
26 the Department of Highway Safety and Motor Vehicles to  
27 honorary consuls or such other officials representing foreign  
28 governments who are not entitled to issuance of special Consul  
29 Corps license plates by the United States Government.

30 (f) Establish a system of communication to provide all  
31 state and local law enforcement agencies with information

1 regarding proper procedures relating to the arrest or  
2 incarceration of a foreign citizen.

3 (g) Request the Department of Law Enforcement to  
4 provide transportation and protection services when necessary  
5 pursuant to s. 943.68.

6 (h) Coordinate, when necessary, special activities  
7 between foreign governments and Florida state and local  
8 governments. These may include Consular Corps Day, Consular  
9 Corps conferences, and various other social, cultural, or  
10 educational activities.

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

14 (3) The Office of Tourism, Trade, and Economic  
15 Development ~~Secretary of State~~ shall operate the sister city  
16 and sister state program and establish such new programs as  
17 needed to further global understanding through the interchange  
18 of people, ideas, and culture between Florida and the world.  
19 To accomplish this purpose, the office ~~secretary~~ shall have  
20 the power and authority to:

21 (a) Coordinate and carry out activities designed to  
22 encourage the state and its subdivisions to participate in  
23 sister city and sister state affiliations with foreign  
24 countries and their subdivisions. Such activities may include  
25 a State of Florida sister cities conference.

26 (b) Encourage cooperation with and disseminate  
27 information pertaining to the Sister Cities International  
28 Program and any other program whose object is to promote  
29 linkages with foreign countries and their subdivisions.

30  
31

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

4 (d) Establish a viable system of registration for  
5 sister city and sister state affiliations between the state  
6 and foreign countries and their subdivisions. Such system  
7 shall include a method to determine that sufficient ties are  
8 properly established as well as a method to supervise how  
9 these ties are maintained.

10 (e) Maintain a current and accurate listing of all  
11 such affiliations. Sister city affiliations shall not be  
12 discouraged between the state and any country specified in s.  
13 620(f)(1) of the federal Foreign Assistance Act of 1961, as  
14 amended, with whom the United States is currently conducting  
15 diplomatic relations unless a mandate from the United States  
16 Government expressly prohibits such affiliations.

17 (4) The Office of Tourism, Trade, and Economic  
18 Development ~~Secretary of State~~ shall serve as a contact for  
19 the state with the Florida Washington Office, the Florida  
20 Congressional Delegation, and United States Government  
21 agencies with respect to laws or policies which may affect the  
22 interests of the state in the area of international  
23 relations. All inquiries received regarding international  
24 economic trade development or reverse investment opportunities  
25 shall be referred to Enterprise Florida, Inc. In addition,  
26 the office ~~secretary~~ shall serve as liaison with other states  
27 with respect to international programs of interest to  
28 Florida. The office ~~secretary~~ shall also investigate and make  
29 suggestions regarding possible areas of joint action or  
30 regional cooperation with these states.

31



1           (5) The Office of Tourism, Trade, and Economic  
2 Development Secretary of State shall have the power and duty  
3 to encourage the relocation to Florida of consular offices and  
4 multilateral and international agencies and organizations.

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

10           Section 30. Subsection (1) of section 288.8175,  
11 Florida Statutes, is amended to read:

12           288.8175 Linkage institutes between postsecondary  
13 institutions in this state and foreign countries.--

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

16           Section 31. Subsection (9) of section 440.02, Florida  
17 Statutes, and paragraph (b) of subsection (15), as amended by  
18 section 2 of chapter 2003-412, Laws of Florida, are amended to  
19 read:

20           440.02 Definitions.--When used in this chapter, unless  
21 the context clearly requires otherwise, the following terms  
22 shall have the following meanings:

23           (9) "Corporate officer" or "officer of a corporation"  
24 means any person who fills an office provided for in the  
25 corporate charter or articles of incorporation filed with the  
26 Division of State Recordings Corporations of the Department of  
27 State or as permitted or required by chapter 607. As to  
28 persons engaged in the construction industry, the term  
29 "officer of a corporation" includes a member owning at least  
30 10 percent of a limited liability company created and approved  
31 under chapter 608.

1 (15)

2 (b) "Employee" includes any person who is an officer  
3 of a corporation and who performs services for remuneration  
4 for such corporation within this state, whether or not such  
5 services are continuous.

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

9 2. As to officers of a corporation who are engaged in  
10 the construction industry, no more than three officers of a  
11 corporation or of any group of affiliated corporations may  
12 elect to be exempt from this chapter by filing written notice  
13 of the election with the department as provided in s. 440.05.  
14 Officers must be shareholders, each owning at least 10 percent  
15 of the stock of such corporation and listed as an officer of  
16 such corporation with the Division of State Recordings  
17 ~~Corporations~~ of the Department of State, in order to elect  
18 exemptions under this chapter. For purposes of this  
19 subparagraph, the term "affiliated" means and includes one or  
20 more corporations or entities, any one of which is a  
21 corporation engaged in the construction industry, under the  
22 same or substantially the same control of a group of business  
23 entities which are connected or associated so that one entity  
24 controls or has the power to control each of the other  
25 business entities. The term "affiliated" includes, but is not  
26 limited to, the officers, directors, executives, shareholders  
27 active in management, employees, and agents of the affiliated  
28 corporation. The ownership by one business entity of a  
29 controlling interest in another business entity or a pooling  
30 of equipment or income among business entities shall be prima  
31 facie evidence that one business is affiliated with the other.

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

5  
6 Services are presumed to have been rendered to the corporation  
7 if the officer is compensated by other than dividends upon  
8 shares of stock of the corporation which the officer owns.

9           Section 32. Subsections (3) and (11) of section  
10 440.05, Florida Statutes, are amended to read:

11           440.05 Election of exemption; revocation of election;  
12 notice; certification.--

13           (3) Each officer of a corporation who is engaged in  
14 the construction industry and who elects an exemption from  
15 this chapter or who, after electing such exemption, revokes  
16 that exemption, must mail a written notice to such effect to  
17 the department on a form prescribed by the department. The  
18 notice of election to be exempt from the provisions of this  
19 chapter must be notarized and under oath. The notice of  
20 election to be exempt which is submitted to the department by  
21 the officer of a corporation who is allowed to claim an  
22 exemption as provided by this chapter must list the name,  
23 federal tax identification number, social security number, all  
24 certified or registered licenses issued pursuant to chapter  
25 489 held by the person seeking the exemption, a copy of  
26 relevant documentation as to employment status filed with the  
27 Internal Revenue Service as specified by the department, a  
28 copy of the relevant occupational license in the primary  
29 jurisdiction of the business, and the registration number of  
30 the corporation filed with the Division of State Recordings  
31 ~~Corporations~~ of the Department of State along with a copy of

1 the stock certificate evidencing the required ownership under  
2 this chapter. The notice of election to be exempt must  
3 identify each corporation that employs the person electing the  
4 exemption and must list the social security number or federal  
5 tax identification number of each such employer and the  
6 additional documentation required by this section. In  
7 addition, the notice of election to be exempt must provide  
8 that the officer electing an exemption is not entitled to  
9 benefits under this chapter, must provide that the election  
10 does not exceed exemption limits for officers provided in s.  
11 440.02, and must certify that any employees of the corporation  
12 whose officer elects an exemption are covered by workers'  
13 compensation insurance. Upon receipt of the notice of the  
14 election to be exempt, receipt of all application fees, and a  
15 determination by the department that the notice meets the  
16 requirements of this subsection, the department shall issue a  
17 certification of the election to the officer, unless the  
18 department determines that the information contained in the  
19 notice is invalid. The department shall revoke a certificate  
20 of election to be exempt from coverage upon a determination by  
21 the department that the person does not meet the requirements  
22 for exemption or that the information contained in the notice  
23 of election to be exempt is invalid. The certificate of  
24 election must list the name of the corporation listed in the  
25 request for exemption. A new certificate of election must be  
26 obtained each time the person is employed by a new or  
27 different corporation that is not listed on the certificate of  
28 election. A copy of the certificate of election must be sent  
29 to each workers' compensation carrier identified in the  
30 request for exemption. Upon filing a notice of revocation of  
31 election, an officer who is a subcontractor or an officer of a

1 corporate subcontractor must notify her or his contractor.  
2 Upon revocation of a certificate of election of exemption by  
3 the department, the department shall notify the workers'  
4 compensation carriers identified in the request for exemption.

5 (11) Any corporate officer permitted by this chapter  
6 to claim an exemption must be listed on the records of this  
7 state's Secretary of State, Division of State Recordings  
8 ~~Corporations~~, as a corporate officer. The department shall  
9 issue a stop-work order under s. 440.107(1) to any corporation  
10 who employs a person who claims to be exempt as a corporate  
11 officer but who fails or refuses to produce the documents  
12 required under this subsection to the department within 3  
13 business days after the request is made.

14 Section 33. Subsection (4) of section 607.0401,  
15 Florida Statutes, is amended to read:

16 607.0401 Corporate name.--A corporate name:

17 (4) Must be distinguishable from the names of all  
18 other entities or filings, except fictitious name  
19 registrations pursuant to s. 865.09, organized, registered, or  
20 reserved under the laws of this state, which names are on file  
21 with the Division of State Recordings ~~Corporations~~.

22 Section 34. Paragraph (b) of subsection (1) and  
23 subsection (2) of section 607.1506, Florida Statutes, are  
24 amended to read:

25 607.1506 Corporate name of foreign corporation.--

26 (1) A foreign corporation is not entitled to file an  
27 application for a certificate of authority unless the  
28 corporate name of such corporation satisfies the requirements  
29 of s. 607.0401. If the corporate name of a foreign corporation  
30 does not satisfy the requirements of s. 607.0401, the foreign  
31

1 corporation, to obtain or maintain a certificate of authority  
2 to transact business in this state:

3 (b) May use an alternate name to transact business in  
4 this state if its real name is unavailable. Any such alternate  
5 corporate name, adopted for use in this state, shall be  
6 cross-referenced to the real corporate name in the records of  
7 the Division of State Recordings ~~Corporations~~. If the  
8 corporation's real corporate name becomes available in this  
9 state or the corporation chooses to change its alternate name,  
10 a copy of the resolution of its board of directors changing or  
11 withdrawing the alternate name, executed as required by s.  
12 607.0120, shall be delivered for filing.

13 (2) The corporate name (including the alternate name)  
14 of a foreign corporation must be distinguishable upon the  
15 records of the Division of State Recordings ~~Corporations~~ from:

16 (a) Any corporate name of a corporation incorporated  
17 or authorized to transact business in this state;

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

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

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

27 Section 35. Paragraph (e) of subsection (1) of section  
28 617.0401, Florida Statutes, is amended to read:

29 617.0401 Corporate name.--

30 (1) A corporate name:

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1 (e) Must be distinguishable from the names of all  
2 other entities or filings, except fictitious name  
3 registrations pursuant to s. 865.09, organized, registered, or  
4 reserved under the laws of this state, that are on file with  
5 the Division of State Recordings ~~Corporations~~.

6 Section 36. Subsections (2) and (4) of section  
7 617.1506, Florida Statutes, are amended to read:

8 617.1506 Corporate name of foreign corporation.--

9 (2) The corporate name, including the alternate name,  
10 of a foreign corporation must be distinguishable, within the  
11 records of the Division of State Recordings ~~Corporations~~,  
12 from:

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

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

17 (c) The names of all other entities or filings, except  
18 fictitious name registrations pursuant to s. 865.09,  
19 organized, or registered under the laws of this state, that  
20 are on file with the Division of State Recording ~~Corporations~~.

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

26 Section 37. Subsection (3) of section 620.103, Florida  
27 Statutes, is amended to read:

28 620.103 Name of limited partnership.--The name of each  
29 domestic limited partnership as set forth in its certificate  
30 of limited partnership and the name of each foreign limited  
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1 partnership as set forth in its application for registration  
2 as a foreign limited partnership:

3 (3) Must be distinguishable from the names of all  
4 other entities or filings, except fictitious name  
5 registrations pursuant to s. 865.09, organized, registered, or  
6 reserved under the laws of this state, the names of which are  
7 on file with the Division of State Recordings ~~Corporations~~ of  
8 the Department of State.

9 Section 38. Paragraph (c) of subsection (2) of section  
10 865.09, Florida Statutes, is amended to read:

11 865.09 Fictitious name registration.--

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

13 (c) "Division" means the Division of State Recordings  
14 ~~Corporations~~ of the Department of State.

15 Section 39. The following programs, functions, and  
16 activities are hereby transferred by a type two transfer, as  
17 defined in section 20.06(2), Florida Statutes, from the  
18 Department of State to the Office of Tourism, Trade, and  
19 Economic Development within the Executive Office of the  
20 Governor:

21 (1) The provision of assistance and facilities to the  
22 Organization of American States, as authorized and governed by  
23 section 15.17, Florida Statutes, as that section exists on  
24 June 30, 2004.

25 (2) State protocol officer functions, as authorized  
26 and governed by section 15.19, Florida Statutes, as that  
27 section exists on June 30, 2004.

28 (3) International development outreach activities in  
29 Latin America and the Caribbean Basin, as authorized and  
30 governed by section 288.0251, Florida Statutes.

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1           (4) The Florida Intergovernmental Relations  
2 Foundation, as authorized and governed by section 288.809,  
3 Florida Statutes.

4           (5) Intergovernmental relations functions, as  
5 authorized and governed by section 288.816, Florida Statutes.  
6 Notwithstanding section 20.06(2), Florida Statutes, trust  
7 funds associated with these programs, functions, and  
8 activities shall remain within the Department of State.

9           Section 40. Linkage institutes between postsecondary  
10 institutions in this state and foreign countries, as  
11 authorized and governed by section 288.817, Florida Statutes,  
12 are transferred by a type two transfer, as defined in section  
13 20.06(2), Florida Statutes, from the Department of State to  
14 the Department of Education. Notwithstanding section 20.06(2),  
15 Florida Statutes, trust funds associated with these institutes  
16 shall remain within the Department of State.

17           Section 41. Sections 15.0913, 15.17, 15.19, 265.51,  
18 265.52, 265.53, 265.54, 265.55, and 265.56, Florida Statutes,  
19 are repealed.

20           Section 42. If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 invalidity does not affect other provisions or applications of  
23 the act which can be given effect without the invalid  
24 provision or application, and to this end the provisions of  
25 this act are severable.

26           Section 43. Except as otherwise expressly provided in  
27 this act, this act shall take effect July 1, 2004.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2   COMMITTEE SUBSTITUTE FOR  
3   SB 1652  
4           Permits the Secretary of State to appoint an assistant  
5           secretary and two deputies.  
6           Changes the "Division of Corporations" to the "Division of  
7           State Recordings."  
8           Establishes the Bureau of Central Computing Support Services  
9           within the Division of Administration.  
10          Encourages cross-training of grants services personnel and  
11          encourages computerization of grant application processes.  
12          Requires the use of uniform grant processes and forms, where  
13          appropriate.  
14          Designates the Director of the Office of Tourism, Trade, and  
15          Economic Development to serve as the state protocol officer  
16          and authorizes that office to provide assistance and  
17          facilities to the Organization of American States in  
18          establishing and maintaining a regional headquarters in  
19          Florida.  
20          Transfer administration of linkage institutes between  
21          postsecondary institutions and foreign countries to the  
22          Department of Education.  
23          Requires local public libraries to enforce an Internet safety  
24          policy that provides for the installation of Internet  
25          filtering software.  
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