

1 A bill to be entitled
2 An act relating to the Department of State; amending s.
3 265.285, F.S.; clarifying terms of appointment to the
4 Florida Arts Council; removing obsolete language; amending
5 s. 265.606, F.S.; deleting a requirement for local
6 sponsoring organizations to submit an annual postaudit to
7 the Division of Cultural Affairs under certain
8 circumstances; providing for deposit of the state's
9 matching share of cultural endowment to the Florida Fine
10 Arts Trust Fund rather than reversion to the General
11 Revenue Fund; requiring that authority to disburse funds
12 is subject to notice and review procedures; providing for
13 reversion of funds to the General Revenue Fund under
14 certain circumstances; amending s. 267.174, F.S.; changing
15 the dates for the first meeting of the Discovery of
16 Florida Quincentennial Commemoration Commission, the
17 completion of the initial draft of a specified master
18 plan, and the submission of the completed master plan;
19 amending s. 272.129, F.S.; transferring responsibility for
20 the Florida Historic Capitol from the Department of State
21 to the Legislature; providing for allocation of certain
22 space for preservation, museum, and cultural programs of
23 the Legislature; requiring the maintenance of the Florida
24 Historic Capitol pursuant to certain historic preservation
25 standards and guidelines; removing responsibility of the
26 Department of Management Services for security of the
27 Historic Capitol and adjacent grounds; amending s.

28 272.135, F.S.; requiring the Capitol Curator to be
29 appointed by the President of the Senate and the Speaker
30 of the House of Representatives; deleting rulemaking
31 authority of the Department of State to conform; amending
32 s. 607.193, F.S.; correcting references to repealed
33 sections of Florida Statutes within provisions relating to
34 the annual supplemental corporate fee imposed on each
35 business entity authorized to transact business in this
36 state; amending s. 257.05, F.S.; requiring that each state
37 official, agency, board, and court provide to the Division
38 of Library and Information Services of the Department of
39 State an annual list of public documents issued by the
40 official, agency, board, or court; amending s. 283.31,
41 F.S.; defining the term "publication" for purposes of a
42 requirement that an executive agency maintain records of
43 certain publication costs; amending s. 283.55, F.S.;

44 revising the form used by each state agency for the
45 purpose of purging publication mailing lists; providing an
46 effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Paragraph (a) of subsection (1) of section
51 265.285, Florida Statutes, is amended to read:

52 265.285 Florida Arts Council; membership, duties.--

53 (1)(a) The Florida Arts Council is created in the
54 department as an advisory body, as defined in s. 20.03(7), to

55 consist of 15 members. Seven members shall be appointed by the
56 Governor, four members shall be appointed by the President of
57 the Senate, and four members shall be appointed by the Speaker
58 of the House of Representatives. The appointments, to be made in
59 consultation with the Secretary of State, shall recognize the
60 need for geographical representation. Council members appointed
61 by the Governor shall be appointed for 4-year terms beginning on
62 January 1 of the year of appointment. Council members appointed
63 by the President of the Senate and the Speaker of the House of
64 Representatives shall be appointed for 2-year terms beginning on
65 January 1 of the year of appointment. ~~Council members serving on~~
66 ~~July 1, 2002, may serve the remainder of their respective terms.~~
67 ~~New appointments to the council shall not be made until the~~
68 ~~retirement, resignation, removal, or expiration of the terms of~~
69 ~~the initial members results in fewer than 15 members remaining.~~
70 ~~As vacancies occur, the first appointment to the council shall~~
71 ~~be made by the Governor. The President of the Senate, the~~
72 ~~Speaker of the House of Representatives, and the Governor,~~
73 ~~respectively, shall then alternate appointments until the~~
74 ~~council is composed as required herein. A~~ No member of the
75 council who serves two 4-year terms or two 2-year terms is not
76 will be eligible for reappointment for 1 year ~~during a 1-year~~
77 ~~period~~ following the expiration of the member's second term. A
78 member whose term has expired shall continue to serve on the
79 council until such time as a replacement is appointed. Any
80 vacancy on the council shall be filled for the remainder of the
81 unexpired term in the same manner as for the original

82 appointment. Members should have a substantial history of
83 community service in the performing or visual arts, which
84 includes, but is not limited to, theatre, dance, folk arts,
85 music, architecture, photography, and literature. In addition,
86 it is desirable that members have successfully served on boards
87 of cultural institutions such as museums and performing arts
88 centers or are recognized as patrons of the arts.

89 Section 2. Subsections (4) and (5) of section 265.606,
90 Florida Statutes, are amended, present subsections (6) and (7)
91 are renumbered as subsections (8) and (9), respectively, and new
92 subsections (6) and (7) are added to that section, to read:

93 265.606 Cultural Endowment Program; administration;
94 qualifying criteria; matching fund program levels;
95 distribution.--

96 (4) Once the secretary has determined that the sponsoring
97 organization has complied with the criteria imposed by this
98 section, he or she may authorize the transfer of the appropriate
99 state matching funds to the organization. However, the secretary
100 shall ensure that the local group has made prudent arrangements
101 for the trusteeship of the entire endowment, and such
102 trusteeship is hereby created. The sponsoring organization may
103 then expend moneys in the endowment program fund, subject to the
104 following requirements:

105 (a) The organization may expend funds only for operating
106 costs incurred while engaged in programs directly related to
107 cultural activities.

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

111 ~~(c) Any contract administered under this section shall~~
112 ~~require the local sponsoring organization to submit to the~~
113 ~~division an annual postaudit of its financial accounts conducted~~
114 ~~by an independent certified public accountant.~~

115 (5) The \$240,000 state matching fund endowment for each
116 individual endowment shall be returned ~~revert~~ to the state,
117 shall be deposited into the Florida Fine Arts Trust Fund, and
118 shall be awarded to the first organization on the Cultural
119 Endowment Program priority list pursuant to subsection (9) that
120 has not previously received a cultural endowment in the most
121 current fiscal year funding cycle ~~General Revenue Fund~~ if any of
122 the following events occurs:

123 (a) The recipient sponsoring organization is no longer
124 able to manage an endowment ~~ceases operations.~~

125 (b) The recipient sponsoring organization files for
126 protection under federal bankruptcy provisions.

127 (c) The recipient sponsoring organization willfully
128 expends a portion of the endowment principal of any individual
129 endowment.

130 (6) In the event an endowment is returned to the state
131 under subsection (5), authority to disburse funds shall be
132 subject to the notice and review procedures set forth in s.
133 216.177.

134 (7) If there is no qualified organization on the Cultural
 135 Endowment Program priority list, returned funds shall revert to
 136 the General Revenue Fund at the end of the fiscal year.

137 Section 3. Paragraph (d) of subsection (5) and paragraph
 138 (c) of subsection (7) of section 267.174, Florida Statutes, are
 139 amended to read:

140 267.174 Discovery of Florida Quincentennial Commemoration
 141 Commission.--

142 (5) OFFICERS; BYLAWS; MEETINGS.--

143 (d) The initial meeting of the commission shall be held no
 144 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings
 145 shall be held upon the call of the chair or vice chair acting in
 146 the absence of the chair, and in accordance with the
 147 commission's bylaws.

148 (7) DUTIES; MASTER PLAN.--

149 (c) The commission shall establish a timetable and budget
 150 for completion for all parts of the master plan which shall be
 151 made a part of the plan. An initial draft of the plan shall be
 152 completed and submitted to the Governor, the President of the
 153 Senate, the Speaker of the House of Representatives, and the
 154 Secretary of State by May 2009 ~~January 2008~~ with the completed
 155 master plan submitted to such officials by May 2010 ~~January~~
 156 ~~2009~~.

157 Section 4. Section 272.129, Florida Statutes, is amended
 158 to read:

159 272.129 Florida Historic Capitol; space allocation;
 160 maintenance, repair, and security.--

161 (1) The Legislature Department of State shall ensure
 162 ~~assure~~ that all space in the Florida Historic Capitol is
 163 restored in a manner consistent with the 1902 form and made
 164 available for allocation. Notwithstanding the provisions of ss.
 165 255.249 and 272.04 that relate to space allocation in state-
 166 owned buildings, the President of the Senate and the Speaker of
 167 the House of Representatives shall have responsibility and
 168 authority for the allocation of all space in the restored
 169 Florida Historic Capitol, provided:

170 (a) The rotunda, corridors, Senate chamber, House of
 171 Representatives chamber, and Supreme Court chamber shall not be
 172 used as office space.

173 (b) The Legislature Department of State shall be allocated
 174 sufficient space for program and administrative functions
 175 relating to the preservation, museum, and cultural programs of
 176 the Legislature department.

177 (2) The Florida Historic Capitol shall be maintained in
 178 accordance with good historic preservation practices as
 179 specified in the National Park Service Preservation Briefs and
 180 the Secretary of the Interior's Standards for Rehabilitation and
 181 Guidelines for Rehabilitating Historic Buildings.

182 (3) ~~(2)~~ Custodial and preventive maintenance and, repair,
 183 ~~and security~~ of the entire Historic Capitol and the grounds
 184 located adjacent thereto shall be the responsibility of the
 185 Department of Management Services, subject to the special
 186 requirements of the building as determined by the Capitol
 187 Curator.

188 Section 5. Section 272.135, Florida Statutes, is amended
 189 to read:

190 272.135 Florida Historic Capitol Curator.--

191 (1) The position of Capitol Curator is created within the
 192 Legislature ~~Department of State~~, which shall establish the
 193 qualifications for the position. The curator shall be appointed
 194 by and serve at the pleasure of the President of the Senate and
 195 the Speaker of the House of Representatives ~~Secretary of State~~.

196 (2) The Capitol Curator shall:

197 (a) Promote and encourage throughout the state knowledge
 198 and appreciation of the Florida Historic Capitol.

199 (b) Collect, research, exhibit, interpret, preserve, and
 200 protect the history, artifacts, objects, furnishings, and other
 201 materials related to the Florida Historic Capitol, except for
 202 archaeological research and resources.

203 (c) Develop, direct, supervise, and maintain the interior
 204 design and furnishings of all space within the Florida Historic
 205 Capitol in a manner consistent with the restoration of the
 206 Florida Historic Capitol in its 1902 form.

207 ~~(3) The Department of State shall promulgate rules to~~
 208 ~~implement this section.~~

209 Section 6. Subsections (1) and (2) of section 607.193,
 210 Florida Statutes, are amended to read:

211 607.193 Supplemental corporate fee.--

212 (1) In addition to any other taxes imposed by law, an
 213 annual supplemental corporate fee of \$88.75 is imposed on each
 214 business entity that is authorized to transact business in this

215 state and is required to file an annual report with the
 216 Department of State under s. 607.1622, s. 608.452, or s.
 217 620.1210 ~~620.177~~.

218 (2) (a) The business entity shall remit the supplemental
 219 corporate fee to the Department of State at the time it files
 220 the annual report required by s. 607.1622, s. 608.452, or s.
 221 620.1210 ~~620.177~~.

222 (b) In addition to the fees levied under ss. 607.0122,
 223 608.452, and 620.1109 ~~620.182~~ and the supplemental corporate
 224 fee, a late charge of \$400 shall be imposed if the supplemental
 225 corporate fee is remitted after May 1 except in circumstances in
 226 which a business entity did not receive the uniform business
 227 report prescribed by the department.

228 Section 7. Subsection (2) of section 257.05, Florida
 229 Statutes, is amended to read:

230 257.05 Public documents; delivery to, and distribution by,
 231 division.--

232 (2) (a) Each state official, state department, state board,
 233 state court, or state agency issuing public documents shall
 234 furnish the Division of Library and Information Services of the
 235 Department of State 35 copies of each of those public documents,
 236 as issued, for deposit in and distribution by the division.
 237 However, if the division so requests, as many as 15 additional
 238 copies of each public document shall be supplied to it.

239 (b) If any state official, state department, state board,
 240 state court, or state agency has fewer than 40 copies of any

241 public document, it shall supply the division with 2 copies of
 242 each such public document for deposit in the State Library.

243 (c) By December 31 of each year, any state official, state
 244 department, state board, state court, or state agency issuing
 245 public documents shall furnish to the division a list of all
 246 public documents, including each publication that is on the
 247 agency's website, issued by the official, department, board,
 248 court, or agency during that calendar year.

249 (d)-(e) As issued, daily journals and bound journals of
 250 each house of the Legislature; slip laws and bound session laws,
 251 both general and special; and Florida Statutes and supplements
 252 thereto shall be furnished to the division by the state
 253 official, department, or agency having charge of their
 254 distribution. The number of copies furnished shall be determined
 255 by requests of the division, which number in no case may exceed
 256 35 copies of the particular publication.

257 Section 8. Section 283.31, Florida Statutes, is amended to
 258 read:

259 283.31 Records of executive agency publications.--Each
 260 agency shall maintain a record of any publication, as defined in
 261 s. 257.05, the printing of which costs in excess of the
 262 threshold amount provided in s. 287.017 for CATEGORY THREE, at
 263 least part of which is paid for by state funds appropriated by
 264 the Legislature. Such record shall also contain the following:
 265 written justification of the need for such publication, purpose
 266 of such publication, legislative or administrative authority,
 267 sources of funding, frequency and number of issues, and reasons

268 | for deciding to have the publication printed in-house, by
 269 | another agency or the Legislature, or purchased on bid. In
 270 | addition, such record shall contain the comparative costs of
 271 | alternative printing methods when such costs were a factor in
 272 | deciding upon a method. The record of the corporation operating
 273 | the correctional industry printing program shall include the
 274 | cost of materials used, the cost of labor, the cost of overhead,
 275 | the amount of profit made by the corporation for such printing,
 276 | and whether the state agencies that contract with the
 277 | corporation for printing are prudently determining the price
 278 | paid for such printing.

279 | Section 9. Section 283.55, Florida Statutes, is amended to
 280 | read:

281 | 283.55 Purging of publication mailing lists.--

282 | (1) By March 1 of each odd-numbered year, every agency
 283 | shall survey the addresses on each of its publication mailing
 284 | lists by providing each addressee the following form, which must
 285 | also disclose whether the publication is available on the
 286 | agency's website:

287 | ... (Name of publication) ...

288 | Please choose one of the following options:

289 | [] I would like to receive this publication in hard copy
 290 | format.

291 | [] I would like to receive this publication in electronic
 292 | format. My e-mail address is: _____.

293 | [] I do not wish to receive this publication.

294 ~~Do you wish to continue receiving this publication?~~

295 Yes No

296 Should your response to this survey not be received by
297 April 30, your name will be automatically purged from our
298 mailing list. Those addressees who respond shall be maintained
299 or removed from such mailing list in accordance with the
300 responses. Those addressees not responding by April 30 of such
301 odd-numbered year shall be automatically purged from such
302 mailing list. Agencies are prohibited from supplying addressees
303 with postpaid response forms.

304 (2) The provisions of this section apply to any agency,
305 except a state university or an agency the mailing list of which
306 consists only of those persons registered with or licensed by
307 the agency and the registration or license fee of which includes
308 payment by the registrants or licensees as subscribers for the
309 publication of the agency.

310 Section 10. This act shall take effect July 1, 2006.