

1 A bill to be entitled

2 An act relating to the Department of State; amending s.
3 101.56062, F.S.; prescribing methods of satisfying
4 required functionalities with respect to audio ballot
5 systems; amending s. 265.285, F.S.; clarifying terms of
6 appointment to the Florida Arts Council; removing obsolete
7 language; amending s. 265.606, F.S.; deleting a
8 requirement for local sponsoring organizations to submit
9 an annual postaudit to the Division of Cultural Affairs
10 under certain circumstances; amending s. 267.174, F.S.;
11 changing the dates for the first meeting of the Discovery
12 of Florida Quincentennial Commemoration Commission, the
13 completion of the initial draft of a specified master
14 plan, and the submission of the completed master plan;
15 amending s. 272.129, F.S.; transferring responsibility for
16 the Florida Historic Capitol from the Department of State
17 to the Legislature; providing for allocation of certain
18 space for preservation, museum, and cultural programs of
19 the Legislature; requiring the maintenance of the Florida
20 Historic Capitol pursuant to certain historic preservation
21 standards and guidelines; removing responsibility of the
22 Department of Management Services for security of the
23 Historic Capitol and adjacent grounds; amending s.
24 272.135, F.S.; requiring the Capitol Curator to be
25 appointed by the President of the Senate and the Speaker
26 of the House of Representatives; deleting rulemaking
27 authority of the Department of State to conform; amending

28 s. 607.193, F.S.; correcting references to repealed
29 sections of Florida Statutes within provisions relating to
30 the annual supplemental corporate fee imposed on each
31 business entity authorized to transact business in this
32 state; amending s. 257.05, F.S.; requiring that each state
33 official, agency, board, and court provide to the Division
34 of Library and Information Services of the Department of
35 State an annual list of public documents issued by the
36 official, agency, board, or court; amending s. 283.31,
37 F.S.; defining the term "publication" for purposes of a
38 requirement that an executive agency maintain records of
39 certain publication costs; amending s. 283.55, F.S.;
40 revising the form used by each state agency for the
41 purpose of purging publication mailing lists; providing an
42 effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Paragraph (n) of subsection (1) of section
47 101.56062, Florida Statutes, is amended to read:

48 101.56062 Standards for accessible voting systems.--

49 (1) Notwithstanding anything in this chapter to the
50 contrary, each voting system certified by the Department of
51 State for use in local, state, and federal elections must
52 include the capability to install accessible voter interface
53 devices in the system configuration which will allow the system
54 to meet the following minimum standards:

55 (n) Any audio ballot must provide the voter with the
56 following functionalities:

57 1. After the initial instructions that the system requires
58 election officials to provide to each voter, the voter should be
59 able to independently operate the voter interface through the
60 final step of casting a ballot without assistance.

61 2. The voter must be able to determine the races that he
62 or she is allowed to vote in and to determine which candidates
63 are available in each race.

64 3. The voter must be able to determine how many candidates
65 may be selected in each race.

66 4. The voter must be able to have confidence that the
67 physical or vocal inputs given to the system have selected the
68 candidates that he or she intended to select.

69 5. The voter must be able to review the candidate
70 selections that he or she has made.

71 6. Prior to the act of casting the ballot, the voter must
72 be able to change any selections previously made and confirm a
73 new selection.

74 7. The system must communicate to the voter the fact that
75 the voter has failed to vote in a race or has failed to vote the
76 number of allowable candidates in any race and require the voter
77 to confirm his or her intent to undervote before casting the
78 ballot.

79 8. The system must prevent the voter from overvoting any
80 race.

81 9. The voter must be able to input a candidate's name in
 82 each race that allows a write-in candidate.

83 10. The voter must be able to review his or her write-in
 84 input to the interface, edit that input, and confirm that the
 85 edits meet the voter's intent.

86 11. There must be a clear, identifiable action that the
 87 voter takes to "cast" the ballot. The system must make clear to
 88 the voter how to take this action so that the voter has minimal
 89 risk of taking the action accidentally but, when the voter
 90 intends to cast the ballot, the action can be easily performed.

91 12. Once the ballot is cast, the system must confirm to
 92 the voter that the action has occurred and that the voter's
 93 process of voting is complete.

94 13. Once the ballot is cast, the system must preclude the
 95 voter from modifying the ballot cast or voting or casting
 96 another ballot.

97
 98 The functionalities required in this paragraph for certification
 99 may be satisfied by either the voting device or by the entire
 100 voting system.

101 Section 2. Paragraph (a) of subsection (1) of section
 102 265.285, Florida Statutes, is amended to read:

103 265.285 Florida Arts Council; membership, duties.--

104 (1)(a) The Florida Arts Council is created in the
 105 department as an advisory body, as defined in s. 20.03(7), to
 106 consist of 15 members. Seven members shall be appointed by the
 107 Governor, four members shall be appointed by the President of

108 | the Senate, and four members shall be appointed by the Speaker
 109 | of the House of Representatives. The appointments, to be made in
 110 | consultation with the Secretary of State, shall recognize the
 111 | need for geographical representation. Council members appointed
 112 | by the Governor shall be appointed for 4-year terms beginning on
 113 | January 1 of the year of appointment. Council members appointed
 114 | by the President of the Senate and the Speaker of the House of
 115 | Representatives shall be appointed for 2-year terms beginning on
 116 | January 1 of the year of appointment. ~~Council members serving on~~
 117 | ~~July 1, 2002, may serve the remainder of their respective terms.~~
 118 | ~~New appointments to the council shall not be made until the~~
 119 | ~~retirement, resignation, removal, or expiration of the terms of~~
 120 | ~~the initial members results in fewer than 15 members remaining.~~
 121 | ~~As vacancies occur, the first appointment to the council shall~~
 122 | ~~be made by the Governor. The President of the Senate, the~~
 123 | ~~Speaker of the House of Representatives, and the Governor,~~
 124 | ~~respectively, shall then alternate appointments until the~~
 125 | ~~council is composed as required herein. A~~ No member of the
 126 | council who serves two 4-year terms or two 2-year terms is not
 127 | ~~will be eligible for reappointment~~ for 1 year ~~during a 1-year~~
 128 | ~~period~~ following the expiration of the member's second term. A
 129 | member whose term has expired shall continue to serve on the
 130 | council until such time as a replacement is appointed. Any
 131 | vacancy on the council shall be filled for the remainder of the
 132 | unexpired term in the same manner as for the original
 133 | appointment. Members should have a substantial history of
 134 | community service in the performing or visual arts, which

135 includes, but is not limited to, theatre, dance, folk arts,
136 music, architecture, photography, and literature. In addition,
137 it is desirable that members have successfully served on boards
138 of cultural institutions such as museums and performing arts
139 centers or are recognized as patrons of the arts.

140 Section 3. Subsections (4) and (5) of section 265.606,
141 Florida Statutes, are amended to read:

142 265.606 Cultural Endowment Program; administration;
143 qualifying criteria; matching fund program levels;
144 distribution.--

145 (4) Once the secretary has determined that the sponsoring
146 organization has complied with the criteria imposed by this
147 section, he or she may authorize the transfer of the appropriate
148 state matching funds to the organization. However, the secretary
149 shall ensure that the local group has made prudent arrangements
150 for the trusteeship of the entire endowment, and such
151 trusteeship is hereby created. The sponsoring organization may
152 then expend moneys in the endowment program fund, subject to the
153 following requirements:

154 (a) The organization may expend funds only for operating
155 costs incurred while engaged in programs directly related to
156 cultural activities.

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

160 ~~(c) Any contract administered under this section shall~~
161 ~~require the local sponsoring organization to submit to the~~

162 ~~division an annual postaudit of its financial accounts conducted~~
163 ~~by an independent certified public accountant.~~

164 (5) The \$240,000 state matching fund endowment for each
165 individual endowment shall revert to the General Revenue Fund if
166 any of the following events occurs:

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

169 (b) The recipient sponsoring organization files for
170 protection under federal bankruptcy provisions.

171 (c) The recipient sponsoring organization willfully
172 expends a portion of the endowment principal of any individual
173 endowment.

174 Section 4. Paragraph (d) of subsection (5) and paragraph
175 (c) of subsection (7) of section 267.174, Florida Statutes, are
176 amended to read:

177 267.174 Discovery of Florida Quincentennial Commemoration
178 Commission.--

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

180 (d) The initial meeting of the commission shall be held no
181 later than July 31, 2008 ~~January 31, 2007~~. Subsequent meetings
182 shall be held upon the call of the chair or vice chair acting in
183 the absence of the chair, and in accordance with the
184 commission's bylaws.

185 (7) DUTIES; MASTER PLAN.--

186 (c) The commission shall establish a timetable and budget
187 for completion for all parts of the master plan which shall be
188 made a part of the plan. An initial draft of the plan shall be

189 completed and submitted to the Governor, the President of the
 190 Senate, the Speaker of the House of Representatives, and the
 191 Secretary of State by May 2009 ~~January 2008~~ with the completed
 192 master plan submitted to such officials by May 2010 ~~January~~
 193 ~~2009~~.

194 Section 5. Section 272.129, Florida Statutes, is amended
 195 to read:

196 272.129 Florida Historic Capitol; space allocation;
 197 maintenance, repair, and security.--

198 (1) The Legislature ~~Department of State~~ shall ensure
 199 ~~assure~~ that all space in the Florida Historic Capitol is
 200 restored in a manner consistent with the 1902 form and made
 201 available for allocation. Notwithstanding the provisions of ss.
 202 255.249 and 272.04 that relate to space allocation in state-
 203 owned buildings, the President of the Senate and the Speaker of
 204 the House of Representatives shall have responsibility and
 205 authority for the allocation of all space in the restored
 206 Florida Historic Capitol, provided:

207 (a) The rotunda, corridors, Senate chamber, House of
 208 Representatives chamber, and Supreme Court chamber shall not be
 209 used as office space.

210 (b) The Legislature ~~Department of State~~ shall be allocated
 211 sufficient space for program and administrative functions
 212 relating to the preservation, museum, and cultural programs of
 213 the Legislature ~~department~~.

214 (2) The Florida Historic Capitol shall be maintained in
 215 accordance with good historic preservation practices as

216 specified in the National Park Service Preservation Briefs and
 217 the Secretary of the Interior's Standards for Rehabilitation and
 218 Guidelines for Rehabilitating Historic Buildings.

219 ~~(3)(2)~~ Custodial and preventive maintenance and, repair,
 220 ~~and security~~ of the entire Historic Capitol and the grounds
 221 located adjacent thereto shall be the responsibility of the
 222 Department of Management Services, subject to the special
 223 requirements of the building as determined by the Capitol
 224 Curator.

225 Section 6. Section 272.135, Florida Statutes, is amended
 226 to read:

227 272.135 Florida Historic Capitol Curator.--

228 (1) The position of Capitol Curator is created within the
 229 Legislature ~~Department of State~~, which shall establish the
 230 qualifications for the position. The curator shall be appointed
 231 by and serve at the pleasure of the President of the Senate and
 232 the Speaker of the House of Representatives ~~Secretary of State~~.

233 (2) The Capitol Curator shall:

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

236 (b) Collect, research, exhibit, interpret, preserve, and
 237 protect the history, artifacts, objects, furnishings, and other
 238 materials related to the Florida Historic Capitol, except for
 239 archaeological research and resources.

240 (c) Develop, direct, supervise, and maintain the interior
 241 design and furnishings of all space within the Florida Historic

242 Capitol in a manner consistent with the restoration of the
 243 Florida Historic Capitol in its 1902 form.

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

246 Section 7. Subsections (1) and (2) of section 607.193,
 247 Florida Statutes, are amended to read:

248 607.193 Supplemental corporate fee.--

249 (1) In addition to any other taxes imposed by law, an
 250 annual supplemental corporate fee of \$88.75 is imposed on each
 251 business entity that is authorized to transact business in this
 252 state and is required to file an annual report with the
 253 Department of State under s. 607.1622, s. 608.452, or s.
 254 620.1210 ~~620.177~~.

255 (2)(a) The business entity shall remit the supplemental
 256 corporate fee to the Department of State at the time it files
 257 the annual report required by s. 607.1622, s. 608.452, or s.
 258 620.1210 ~~620.177~~.

259 (b) In addition to the fees levied under ss. 607.0122,
 260 608.452, and 620.1109 ~~620.182~~ and the supplemental corporate
 261 fee, a late charge of \$400 shall be imposed if the supplemental
 262 corporate fee is remitted after May 1 except in circumstances in
 263 which a business entity did not receive the uniform business
 264 report prescribed by the department.

265 Section 8. Subsection (2) of section 257.05, Florida
 266 Statutes, is amended to read:

267 257.05 Public documents; delivery to, and distribution by,
 268 division.--

269 (2) (a) Each state official, state department, state board,
270 state court, or state agency issuing public documents shall
271 furnish the Division of Library and Information Services of the
272 Department of State 35 copies of each of those public documents,
273 as issued, for deposit in and distribution by the division.
274 However, if the division so requests, as many as 15 additional
275 copies of each public document shall be supplied to it.

276 (b) If any state official, state department, state board,
277 state court, or state agency has fewer than 40 copies of any
278 public document, it shall supply the division with 2 copies of
279 each such public document for deposit in the State Library.

280 (c) By December 31 of each year, any state official, state
281 department, state board, state court, or state agency issuing
282 public documents shall furnish to the division a list of all
283 public documents, including each publication that is on the
284 agency's website, issued by the official, department, board,
285 court, or agency during that calendar year.

286 (d)~~(e)~~ As issued, daily journals and bound journals of
287 each house of the Legislature; slip laws and bound session laws,
288 both general and special; and Florida Statutes and supplements
289 thereto shall be furnished to the division by the state
290 official, department, or agency having charge of their
291 distribution. The number of copies furnished shall be determined
292 by requests of the division, which number in no case may exceed
293 35 copies of the particular publication.

294 Section 9. Section 283.31, Florida Statutes, is amended to
295 read:

296 283.31 Records of executive agency publications.--Each
297 agency shall maintain a record of any publication, as defined in
298 s. 257.05, the printing of which costs in excess of the
299 threshold amount provided in s. 287.017 for CATEGORY THREE, at
300 least part of which is paid for by state funds appropriated by
301 the Legislature. Such record shall also contain the following:
302 written justification of the need for such publication, purpose
303 of such publication, legislative or administrative authority,
304 sources of funding, frequency and number of issues, and reasons
305 for deciding to have the publication printed in-house, by
306 another agency or the Legislature, or purchased on bid. In
307 addition, such record shall contain the comparative costs of
308 alternative printing methods when such costs were a factor in
309 deciding upon a method. The record of the corporation operating
310 the correctional industry printing program shall include the
311 cost of materials used, the cost of labor, the cost of overhead,
312 the amount of profit made by the corporation for such printing,
313 and whether the state agencies that contract with the
314 corporation for printing are prudently determining the price
315 paid for such printing.

316 Section 10. Section 283.55, Florida Statutes, is amended
317 to read:

318 283.55 Purging of publication mailing lists.--

319 (1) By March 1 of each odd-numbered year, every agency
320 shall survey the addresses on each of its publication mailing
321 lists by providing each addressee the following form, which must

322 also disclose whether the publication is available on the
 323 agency's website:

324 ... (Name of publication)...

325 Please choose one of the following options:

326 [] I would like to receive this publication in hard copy
 327 format.

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

330 [] I do not wish to receive this publication.

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

332 ~~Yes _____ No _____~~

333 Should your response to this survey not be received by
 334 April 30, your name will be automatically purged from our
 335 mailing list. Those addressees who respond shall be maintained
 336 or removed from such mailing list in accordance with the
 337 responses. Those addressees not responding by April 30 of such
 338 odd-numbered year shall be automatically purged from such
 339 mailing list. Agencies are prohibited from supplying addressees
 340 with postpaid response forms.

341 (2) The provisions of this section apply to any agency,
 342 except a state university or an agency the mailing list of which
 343 consists only of those persons registered with or licensed by
 344 the agency and the registration or license fee of which includes
 345 payment by the registrants or licensees as subscribers for the
 346 publication of the agency.

347 Section 11. This act shall take effect July 1, 2006.