

**By** the Committees on Transportation and Economic Development  
Appropriations; Governmental Oversight and Accountability;  
Commerce; and Commerce

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1                   A bill to be entitled  
2           An act relating to a review of the Department of State  
3           under the Florida Government Accountability Act;  
4           reenacting s. 20.10, F.S., relating to the  
5           establishment of the department; amending s. 117.01,  
6           F.S.; assigning various duties of the Executive Office  
7           of the Governor relating to notaries public to the  
8           department; revising the application requirements for  
9           notaries public; requiring notary public applicants to  
10          complete certain interactive or classroom instruction;  
11          authorizing certain persons or entities to offer  
12          courses for the required instruction; revising  
13          provisions for the deposit and use of funds from the  
14          notary public surcharge; providing penalties for  
15          applicants who submit applications containing certain  
16          statements; requiring the department to provide notice  
17          on notary application forms of criminal penalties for  
18          providing false information; providing for the filing  
19          and investigation of complaints against notaries  
20          public; requiring the department to submit  
21          investigative findings to the Executive Office of the  
22          Governor; deleting obsolete provisions relating to  
23          notary bonds; requiring entities issuing notary bonds  
24          to submit annual reports to the department; requiring  
25          the department to refuse bonding certificates from  
26          such entity that does not submit its annual report by  
27          a specified date; conforming provisions; amending ss.  
28          117.021, 117.05, and 117.103, F.S.; deleting an  
29          obsolete provision relating to notary public seals;

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30 conforming provisions; amending s. 117.107, F.S.;

31 prohibiting a notary public from using a signature

32 stamp except under certain circumstances; providing

33 penalties; specifying that notaries public are subject

34 to suspension under certain circumstances;

35 transferring the administration of certain provisions

36 relating to notaries public from the Executive Office

37 of the Governor to the department; amending s. 668.50,

38 F.S.; deleting requirements for certain interactive or

39 classroom instruction for notaries public, to conform;

40 amending s. 257.015, F.S.; providing definitions;

41 amending s. 257.02, F.S.; renaming the State Library

42 Council; revising the council's membership and duties;

43 providing for a quorum of council members; specifying

44 the vote required for official action by the council;

45 amending s. 257.031, F.S.; conforming provisions;

46 amending s. 257.05, F.S.; establishing the state

47 publications program; requiring state agencies to

48 furnish the department's Division of Library and

49 Information Services with copies of state publications

50 and designate agency publications liaisons; deleting

51 provisions requiring certain officials and agencies to

52 provide the division with specified numbers of public

53 documents; revising the division's duties with respect

54 to the management, distribution, and exchange of state

55 publications and the establishment of a periodic

56 bibliography for such publications; requiring

57 depository libraries to maintain state publications in

58 a specified manner; authorizing the division to adopt

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59 rules; amending s. 257.105, F.S.; requiring state  
60 agencies to furnish copies of state publications to  
61 the Library of Congress; conforming provisions;  
62 amending s. 267.0612, F.S.; revising the duties of the  
63 Florida Historical Commission; transferring to the  
64 commission and revising provisions for the Official  
65 Florida Historical Markers, the State Historical  
66 Marker Program, and the Great Floridians Program to  
67 conform to the repeal by the act of provisions  
68 establishing the State Historical Marker Council and  
69 the Great Floridians Program; amending s. 267.075,  
70 F.S.; deleting provisions establishing The Grove  
71 Advisory Council; authorizing the Division of  
72 Historical Resources to charge visitor fees, establish  
73 an endowment, and conduct fundraising activities;  
74 authorizing the division, or under certain  
75 circumstances a citizen support organization, to  
76 operate a museum store and provide visitor services  
77 and activities at The Grove; providing for use of the  
78 net proceeds from the museum store and the visitor  
79 services and activities; amending s. 267.16, F.S.;  
80 requiring the division to make folklife apprenticeship  
81 programs available throughout the state; amending s.  
82 267.161, F.S.; assigning certain duties to the Florida  
83 Folklife Council with respect to folklife  
84 apprenticeship programs; amending ss. 283.31 and  
85 286.001, F.S.; conforming provisions to changes made  
86 by the act; conforming cross-references; amending s.  
87 872.05, F.S.; excluding certain portions of human

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88 remains from the definition of the term "unmarked  
89 human burial" for purposes of the duties of the State  
90 Archaeologist and district medical examiners;  
91 repealing ss. 267.0731 and 267.0743, F.S., relating to  
92 the Great Floridians Program and the State Historical  
93 Marker Council, respectively; providing an effective  
94 date.

95

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

97

98 Section 1. Section 20.10, Florida Statutes, is reenacted.

99 Section 2. Section 117.01, Florida Statutes, is amended to  
100 read:

101 117.01 Appointment, application, suspension, ~~revocation,~~  
102 application fee, bond, and oath.-

103 (1) The Governor may appoint as many notaries public as he  
104 or she deems necessary, each of whom must ~~shall~~ be at least 18  
105 years of age and a legal resident of the state. A permanent  
106 resident alien may apply and be appointed and shall file with  
107 his or her application a recorded declaration of domicile. The  
108 residence required for appointment must be maintained throughout  
109 the term of appointment.

110 (2) An applicant for appointment as a notary public,  
111 including an original, renewal, or subsequent applicant, must  
112 submit proof that, within 1 year before application, he or she  
113 completed at least 3 hours of interactive or classroom  
114 instruction, including electronic notarization, covering the  
115 duties of the notary public. Courses satisfying this requirement  
116 may be offered by any public or private-sector person or entity

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117 registered with the Department of State and must include a core  
118 curriculum approved by the department.

119 (3) A notary ~~Notaries~~ public shall be appointed for a term  
120 of 4 years and shall use and exercise the office of notary  
121 public within the boundaries of this state. An applicant must be  
122 able to read, write, and understand the English language.

123 (4) ~~(2)~~ The application for appointment must ~~shall~~ be signed  
124 and sworn to or affirmed by the applicant, submitted to the  
125 Department of State, and ~~shall be~~ accompanied by a fee of \$25,  
126 together with the \$10 commission fee required by s. 113.01, and  
127 a surcharge of \$4. Of the surcharge, \$2.80 shall be deposited  
128 into the Grants and Donations Trust Fund of ~~which \$4 is~~  
129 ~~appropriated to~~ the Executive Office of the Governor to be used  
130 to fund the issuance of notary commissions and the processing of  
131 suspensions, and the remaining \$1.20 shall be deposited into the  
132 Operating Trust Fund of the Department of State to be used to  
133 fund the processing of notary applications, education ~~educate~~  
134 and assistance for ~~assist~~ notaries public, and the investigation  
135 of complaints against notaries public.

136 (a) The Department of State ~~Executive Office of the~~  
137 ~~Governor~~ may contract with private vendors to provide the  
138 services set forth in this section. However, a ~~no~~ commission fee  
139 is not ~~shall be~~ required for the issuance of a commission as a  
140 notary public to a veteran, as defined in s. 1.01, who served  
141 during a period of wartime service, ~~as defined in s. 1.01(14),~~  
142 and who has been rated by the United States Government or the  
143 United States Department of Veterans Affairs or its predecessor  
144 to have a disability rating of 50 percent or more; such a  
145 disability is subject to verification by the Department

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146 Secretary of State, which ~~who~~ has authority to adopt reasonable  
147 procedures to implement this chapter ~~act~~.

148 (b) An application must be accompanied by the oath of  
149 office and the notary bond required by this section. An ~~shall~~  
150 ~~also accompany the application~~ must and shall be submitted in  
151 the format a form ~~prescribed by the Department of State and, at~~  
152 a minimum, must include ~~which shall require, but not be limited~~  
153 ~~to, the following information:~~

154 1. The applicant's legal ~~full~~ name.~~7~~

155 2. The applicant's residence address and telephone number.~~7~~

156 3. The applicant's business address and telephone number.~~7~~

157 4. The applicant's date of birth, race, gender, and  
158 citizenship status. ~~sex.~~~~7~~

159 5. The applicant's social security number.~~7~~ ~~citizenship~~  
160 ~~status.~~~~7~~

161 6. The applicant's driver's license number or the number of  
162 another ~~other~~ official state-issued identification.~~7~~ ~~affidavit~~  
163 ~~of good character from someone unrelated to the applicant who~~  
164 ~~has known the applicant for 1 year or more.~~~~7~~

165 7. A list of all professional licenses and commissions  
166 issued by the state to the applicant during the previous 10  
167 years and a statement as to whether ~~or not~~ the applicant has had  
168 such license or commission revoked or suspended.~~7~~ ~~and~~

169 8. A statement as to whether the applicant has previously  
170 been commissioned as a notary public in this state.

171 9. A statement as to whether ~~or not~~ the applicant has been  
172 convicted or found guilty of a felony~~7~~ and, if convicted or  
173 found guilty ~~there has been a conviction~~, a statement of the  
174 nature of the felony and restoration of civil rights. ~~The~~

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175 ~~applicant may not use a fictitious or assumed name other than a~~  
176 ~~nickname on an application for commission.~~

177 (c) The application shall be maintained by the Department  
178 of State for the full term of a notary commission. A notary  
179 public shall notify, in writing, the Department of State of any  
180 change in his or her business address ~~or, home~~ telephone number,  
181 residence address or business telephone number, ~~home address,~~ or  
182 criminal history record within 60 days after such change.

183 (d) The Department of State or Governor may require any  
184 other information ~~he or she deems~~ necessary for determining  
185 whether an applicant is eligible for a notary public commission.  
186 Each applicant must swear or affirm on the application that the  
187 information on the application is true and correct.

188 (e) An applicant who submits an application that he or she  
189 knows to contain any false, fictitious, or fraudulent statement  
190 violates s. 817.155.

191 (f) The Department of State shall conspicuously place on  
192 all notary public application forms the following statement:  
193 "Please note that any applicant who submits an application that  
194 he or she knows to contain any false, fictitious, or fraudulent  
195 statement commits a felony of the third degree pursuant to s.  
196 817.155, Florida Statutes."

197 (5) ~~(3)~~ As part of the oath, the applicant must swear or  
198 affirm that he or she has read this chapter and knows the  
199 duties, responsibilities, limitations, and powers of a notary  
200 public.

201 (6) Any person may file a complaint with the Department of  
202 State alleging a violation of this chapter by a notary public.  
203 Upon receipt of a complaint, the department shall investigate

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204 the complaint and submit a summary of its investigative findings  
205 to the Executive Office of the Governor.

206 ~~(7)(4)~~ The Governor may suspend a notary public for any of  
207 the grounds provided in s. 7, Art. IV of the State Constitution.  
208 Grounds constituting malfeasance, misfeasance, or neglect of  
209 duty include, but are not limited to, ~~the following:~~

210 (a) A material false statement on the application.

211 (b) A complaint found to have merit by the Governor.

212 (c) Failure to cooperate with or respond to an  
213 investigation by the Executive Office of the Governor ~~Governor's~~  
214 ~~office~~ or the Department of State regarding a complaint.

215 (d) Official misconduct as defined in s. 838.022.

216 (e) False or misleading advertising relating to notary  
217 public services.

218 (f) Unauthorized practice of law.

219 (g) Failure to report a change in business or residence  
220 ~~home~~ address or telephone number, or failure to submit  
221 documentation to request an amended commission after a lawful  
222 name change, within the specified period of time.

223 (h) Commission of fraud, misrepresentation, or any  
224 intentional violation of this chapter.

225 (i) Charging fees in excess of fees authorized by this  
226 chapter.

227 (j) Failure to maintain the bond required by this section.

228 ~~(8)(5)(a)~~ If a notary public receives notice from the  
229 Department of State that he or she ~~his or her office~~ has been  
230 suspended from office ~~declared vacant~~, the notary public shall  
231 forthwith mail or deliver ~~to the Secretary of State~~ his or her  
232 notary commission to the Department of State.



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233        (9)~~(b)~~ A notary public who wishes to resign his or her  
234 commission, or a notary public who does not maintain legal  
235 residence in this state during the entire term of appointment,  
236 or a notary public whose resignation is required by the  
237 Governor, shall send a signed letter of resignation to the  
238 Governor and shall return his or her certificate of notary  
239 public commission. The resigning notary public shall destroy his  
240 or her official notary public seal of office, unless the  
241 Governor requests its return.

242        (10)~~(6)~~ A ~~Ne~~ person may not ~~be~~ automatically be reappointed  
243 as a notary public. The application process must be completed  
244 ~~regardless of~~ whether an applicant is requesting his or her  
245 initial ~~first~~ notary commission, a renewal of a commission, or  
246 any subsequent commission.

247        (11)~~(7)~~~~(a)~~ A notary public shall, before ~~prior to~~ executing  
248 the duties of the office and throughout the term of office, give  
249 bond, payable to any individual harmed as a result of a breach  
250 of duty by the notary public acting in his or her official  
251 capacity, in the amount of \$7,500, conditioned on ~~for~~ the due  
252 discharge of the office and shall take an oath that he or she  
253 will honestly, diligently, and faithfully discharge the duties  
254 of the notary public.

255        (a) The bond must ~~shall~~ be approved and filed with the  
256 Department of State and executed by a surety company for hire  
257 duly authorized to transact business in this state.

258        ~~(b) Any notary public whose term of appointment extends~~  
259 ~~beyond January 1, 1999, is required to increase the amount of~~  
260 ~~his or her bond to \$7,500 only upon reappointment on or after~~  
261 ~~January 1, 1999.~~

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262 ~~(b)(e)~~ Beginning July 1, 1996, Surety companies for hire  
263 which process notary public applications, oaths, or affidavits  
264 ~~of character,~~ and bonds for submission to the Department of  
265 State must properly submit these documents in a software and  
266 hard copy format approved by the department ~~of State.~~

267 ~~(c)(8)~~ An Upon payment to any individual harmed as a result  
268 ~~of a breach of duty by the notary public,~~ the entity issuing  
269 bonds for one or more notaries public must submit an annual  
270 report to the Department of State by January 1 of each year  
271 which includes a statement of whether any claims were paid and,  
272 if the claims were paid, a summary of who has issued the bond  
273 for the notary public shall notify the Governor of the payment  
274 and the circumstances that which led to the claim. If an entity  
275 issuing such bonds does not submit its annual report to the  
276 department by January 1, the department shall refuse to accept  
277 bonding certificates from the entity until the entity submits  
278 its annual report.

279 Section 3. Subsection (4) of section 117.021, Florida  
280 Statutes, is amended to read:

281 117.021 Electronic notarization.-

282 (4) Failure of a notary public to comply with any of the  
283 requirements of this section may constitute grounds for  
284 suspension of the notary public's commission by the ~~Executive~~  
285 ~~Office of the Governor.~~

286 Section 4. Subsections (1), (3), and (9) of section 117.05,  
287 Florida Statutes, are amended to read:

288 117.05 Use of notary commission; unlawful use; notary fee;  
289 seal; duties; employer liability; name change; advertising;  
290 photocopies; penalties.-

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291 (1) A ~~No~~ person may not ~~shall~~ obtain or use a notary public  
292 commission in other than his or her legal name or, ~~and it is~~  
293 ~~unlawful for a notary public to~~ notarize his or her own  
294 signature. Any person applying for a notary public commission  
295 must submit proof of identity to the Department of State if ~~se~~  
296 requested. Any person who violates ~~the provisions of this~~  
297 subsection commits ~~is guilty of~~ a felony of the third degree,  
298 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

299 (3) ~~(a)~~ A notary public seal shall be affixed to all  
300 notarized paper documents and shall be of the rubber stamp type  
301 and ~~shall~~ include the words "Notary Public-State of Florida."  
302 The seal must ~~shall~~ also include the name of the notary public,  
303 the date of expiration of the commission of the notary public,  
304 and the commission number. The rubber stamp seal must be affixed  
305 to the notarized paper document in photographically reproducible  
306 black ink. Every notary public shall print, type, or stamp below  
307 his or her signature on a paper document his or her name exactly  
308 as commissioned. An impression-type seal may be used in addition  
309 to the rubber stamp seal, but the rubber stamp seal is ~~shall be~~  
310 the official seal for use on a paper document, and the  
311 impression-type seal may not be substituted therefor.

312 ~~(b) Any notary public whose term of appointment extends~~  
313 ~~beyond January 1, 1992, is required to use a rubber stamp type~~  
314 ~~notary public seal on paper documents only upon reappointment on~~  
315 ~~or after January 1, 1992.~~

316 (a) ~~(e)~~ The notary public official seal and the certificate  
317 of notary public commission are the exclusive property of the  
318 notary public and must be kept under the direct and exclusive  
319 control of the notary public. The seal and certificate of

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320 commission may ~~must~~ not be surrendered to an employer upon  
321 termination of employment, regardless of whether the employer  
322 paid for the seal or for the commission.

323 (b) ~~(d)~~ A notary public whose official seal is lost, stolen,  
324 or believed to be in the possession of another person shall  
325 immediately notify the Department of State ~~or the Governor~~ in  
326 writing.

327 (c) ~~(e)~~ Any person who unlawfully possesses a notary public  
328 official seal or any papers or copies relating to notarial acts  
329 commits ~~is guilty of~~ a misdemeanor of the second degree,  
330 punishable as provided in s. 775.082 or s. 775.083.

331 (9) Any notary public who lawfully changes his or her name  
332 must ~~shall~~, within 60 days after such change, request an amended  
333 commission from the Department ~~Secretary~~ of State and ~~shall~~ send  
334 \$25, his or her current commission, and a notice of change form,  
335 obtained from the department ~~Secretary of State~~, which shall  
336 include the new name and contain a specimen of his or her  
337 official signature. The department ~~Secretary of State~~ shall  
338 issue an amended commission to the notary public in the new  
339 name. A rider to the notary public's bond must accompany the  
340 notice of change form. After submitting the required notice of  
341 change form and rider to the department ~~Secretary of State~~, the  
342 notary public may continue to perform notarial acts in his or  
343 her former name for 60 days or until receipt of the amended  
344 commission, whichever occurs first ~~date is earlier~~.

345 Section 5. Section 117.103, Florida Statutes, is amended to  
346 read:

347 117.103 Certification of notary's authority ~~by Secretary of~~  
348 ~~State~~.—A notary public is not required to record his or her

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349 notary public commission in an office of a clerk of the circuit  
350 court. If certification of the notary public's commission is  
351 required, it must be obtained from the Department Secretary of  
352 State. Upon ~~the~~ receipt of a written request and a fee of \$10  
353 payable to the Department Secretary of State, the department  
354 ~~Secretary of State~~ shall issue a certificate of notarial  
355 authority, in a form prescribed by the department Secretary of  
356 ~~State~~, which includes ~~shall include~~ a statement explaining the  
357 legal qualifications and authority of a notary public in this  
358 state.

359 Section 6. Subsections (2) and (9) of section 117.107,  
360 Florida Statutes, are amended to read:

361 117.107 Prohibited acts.—

362 (2) A notary public may not sign notarial certificates  
363 using a ~~facsimile~~ signature stamp unless the notary public has a  
364 physical disability that limits or prohibits his or her ability  
365 to make a written signature and unless the notary public has  
366 first submitted written notice to the Department of State with  
367 an exemplar of the ~~facsimile~~ signature stamp.

368 (9) A notary public may not notarize a signature on a  
369 document if the person whose signature ~~is~~ being notarized is not  
370 in the presence of the notary public at the time the signature  
371 is notarized. A ~~Any~~ notary public who violates this subsection  
372 commits ~~is guilty of~~ a civil infraction, punishable by penalty  
373 not exceeding \$5,000, and such violation constitutes malfeasance  
374 and misfeasance in the conduct of official duties. It is not a  
375 ~~no~~ defense to the civil infraction ~~specified in this subsection~~  
376 that the notary public acted without intent to defraud. A notary  
377 public who violates this subsection with the intent to defraud

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378 violates is guilty of violating s. 117.105 and is subject to  
379 suspension pursuant to s. 117.01(7).

380 Section 7. All powers, duties, functions, rules, records,  
381 personnel, and property; unexpended balances of appropriations,  
382 allocations, or other funds; administrative authority; pending  
383 issues; and existing contracts of the Executive Office of the  
384 Governor relating to notaries public or the administration of  
385 chapter 117, Florida Statutes, except for the issuance of notary  
386 commissions and the suspension of notaries public, are  
387 transferred by a type two transfer, as defined in s. 20.06(2),  
388 Florida Statutes, from the Executive Office of the Governor to  
389 the Department of State.

390 Section 8. Subsection (11) of section 668.50, Florida  
391 Statutes, is amended to read:

392 668.50 Uniform Electronic Transaction Act.—

393 (11) NOTARIZATION AND ACKNOWLEDGMENT.—

394 ~~(a)~~ If a law requires a signature or record to be  
395 notarized, acknowledged, verified, or made under oath, the  
396 requirement is satisfied if the electronic signature of the  
397 person authorized by applicable law to perform those acts,  
398 together with all other information required to be included by  
399 other applicable law, is attached to or logically associated  
400 with the signature or record. Neither a rubber stamp nor an  
401 impression type seal is required for an electronic notarization.

402 ~~(b) A first-time applicant for a notary commission must~~  
403 ~~submit proof that the applicant has, within 1 year prior to the~~  
404 ~~application, completed at least 3 hours of interactive or~~  
405 ~~classroom instruction, including electronic notarization, and~~  
406 ~~covering the duties of the notary public. Courses satisfying~~

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407 ~~this section may be offered by any public or private sector~~  
408 ~~person or entity registered with the Executive Office of the~~  
409 ~~Governor and must include a core curriculum approved by that~~  
410 ~~office.~~

411 Section 9. Section 257.015, Florida Statutes, is amended to  
412 read:

413 257.015 Definitions.—As used in this chapter, the term:

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

415 (2) "Depository library" means a library designated as a  
416 depository library for state publications pursuant to s.  
417 257.05(4)(c).

418 (3)~~(2)~~ "Division" means the Division of Library and  
419 Information Services of the department ~~of State.~~

420 (4)~~(3)~~ "Secretary" means the Secretary of State.

421 (5) "State agency" means any official, officer, commission,  
422 board, authority, council, committee, or department of state  
423 government or any state court.

424 (6)~~(4)~~ "State Librarian" means the person appointed by the  
425 secretary as the director of the division ~~of Library and~~  
426 ~~Information Services~~ pursuant to s. 257.031.

427 (7) "State publication" means a publication in any format  
428 containing information about the state or state government,  
429 which is of significant value to researchers and the public; is  
430 created under the authority of, or at least partially at the  
431 expense of, a state agency; or that must, by law, be distributed  
432 to the public. The term does not include a publication created  
433 exclusively for a state agency's internal use.

434 Section 10. Subsections (1) and (4) of section 257.02,  
435 Florida Statutes, are amended to read:

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436 257.02 ~~State~~ Library Information Services Council.—

437 ~~(1) There shall be A State Library Information Services~~  
438 Council is established to advise and assist the division with  
439 planning, policy, and priorities for the development of  
440 statewide information services of Library and Information  
441 Services on its programs and activities.

442 (1) The council shall consist of nine members who shall be  
443 appointed by the Secretary of State. Of the nine members, at  
444 least one member must represent the a Florida library profession  
445 professional association, at least one member must represent the  
446 a Florida archive profession professional association, and at  
447 least one member must represent the a Florida records management  
448 profession professional association, and at least one must be a  
449 person who is not, and has never been, employed in a library or  
450 in teaching library science courses.

451 (a) Of the nine members, the executive director of the  
452 Florida Center for Library Automation or the center's successor,  
453 and the executive director of the College Center for Library  
454 Automation or the center's successor, or their designees, shall  
455 serve ex officio as voting members of the council.

456 (b) Members shall be appointed for 4-year terms. A vacancy  
457 on the council shall be filled for the period of the unexpired  
458 term. A member whose term expires shall continue to serve as a  
459 member of the council until his or her successor or designee is  
460 appointed. Except for the ex officio members serving pursuant to  
461 paragraph (a), a No person may not be appointed to serve more  
462 than two consecutive terms as a member of the council.

463 (c) The secretary ~~of State~~ may remove ~~from office~~ any  
464 council member for malfeasance, misfeasance, neglect of duty,



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465 incompetence, permanent inability to perform official duties, or  
466 pleading guilty or nolo contendere to, or being found guilty of,  
467 a felony.

468 (2)~~(4)~~ The officers of the ~~State Library~~ council shall be a  
469 chair, elected annually from the members thereof, and the State  
470 Librarian, who shall serve without voting rights as secretary of  
471 the council.

472 (3) A majority of the council membership constitutes a  
473 quorum. The council may not conduct a meeting unless a quorum is  
474 present. An official action by the council requires the  
475 affirmative vote of a majority of the members present.

476 Section 11. Section 257.031, Florida Statutes, is amended  
477 to read:

478 257.031 State Librarian; appointment and duties.-

479 (1) The State Librarian shall be appointed by the secretary  
480 ~~of State~~, shall have completed a library school program  
481 accredited by the American Library Association, and shall serve  
482 as the director of the division ~~of Library and Information~~  
483 ~~Services of the Department of State. The Secretary of State may,~~  
484 In making the appointment of the State Librarian, the secretary  
485 may consult the members of the State Library Information  
486 Services Council.

487 (2) The State Librarian shall:

488 (a) Keep a record of the proceedings of the ~~State Library~~  
489 Information Services Council;

490 (b) Keep an accurate account of the financial transactions  
491 of the division;

492 (c) Have charge of the work of the division in organizing  
493 new libraries and improving those already established;

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494 (d) In general, perform such duties as may, ~~from time to~~  
495 ~~time,~~ be assigned to him or her by the secretary ~~of State;~~ and

496 (e) Manage operations of the programs assigned by law to  
497 the division.

498 Section 12. Section 257.05, Florida Statutes, is amended to  
499 read:

500 257.05 State publications program ~~Public documents;~~  
501 ~~delivery to, and distribution by, division.-~~

502 (1) The state publications program is established to make  
503 significant information about the state and state government  
504 accessible to researchers and the public through depository  
505 libraries throughout the state.

506 (2) Each state agency shall:

507 (a) Upon its release of a state publication, furnish the  
508 division with copies of the publication for distribution to  
509 depository libraries throughout the state as provided by  
510 division rules.

511 (b) Designate the agency's communications director or  
512 equivalent position as its agency publications liaison and  
513 notify the division of the liaison's identity. The publications  
514 liaison shall maintain a list of the agency's state publications  
515 and periodically, but at least once each year by December 31,  
516 furnish an updated list to the division.

517 ~~(1) The term "public document" as used in this section~~  
518 ~~means any document, report, directory, bibliography, rule,~~  
519 ~~newsletter, pamphlet, brochure, periodical, or other~~  
520 ~~publication, whether in print or nonprint format, that is paid~~  
521 ~~for in whole or in part by funds appropriated by the Legislature~~  
522 ~~and may be subject to distribution to the public; however, the~~

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523 ~~term excludes publications for internal use by an executive~~  
524 ~~agency as defined in s. 283.30.~~

525 ~~(2)(a) Each state official, state department, state board,~~  
526 ~~state court, or state agency issuing public documents shall~~  
527 ~~furnish the Division of Library and Information Services of the~~  
528 ~~Department of State 35 copies of each of those public documents,~~  
529 ~~as issued, for deposit in and distribution by the division.~~  
530 ~~However, if the division so requests, as many as 15 additional~~  
531 ~~copies of each public document shall be supplied to it.~~

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

536 ~~(c) By December 31 of each year, any state official, state~~  
537 ~~department, state board, state court, or state agency issuing~~  
538 ~~public documents shall furnish to the division a list of all~~  
539 ~~public documents, including each publication that is on the~~  
540 ~~agency's website, issued by the official, department, board,~~  
541 ~~court, or agency during that calendar year.~~

542 ~~(3)(d)~~ As issued, daily journals and bound journals of each  
543 house of the Legislature; slip laws and bound session laws, both  
544 general and special; and Florida Statutes and supplements  
545 thereto shall be furnished to the division by the state  
546 official, department, or agency having charge of their  
547 distribution. The number of copies furnished shall be determined  
548 by requests of the division, which number in no case may exceed  
549 35 copies of the particular publication.

550 (4)(3) It is the duty of The division shall to:

551 (a) Manage the state publications program.

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552 (b) Be the official repository for state publications.

553 (c)-(a) Designate university, college, and public libraries  
554 as depository libraries ~~depositories~~ for state publications  
555 ~~public documents and to designate certain of these depositories~~  
556 ~~as regional centers for full collections of public documents.~~

557 (d)-(b) Establish ~~Provide~~ a system for the ~~of~~ distribution  
558 of the copies of state publications furnished to depository  
559 libraries ~~it under subsection (2) to such depositories.~~

560 (e)-(c) Establish ~~Publish~~ a periodic bibliography for ~~of~~ the  
561 state publications program of the state.

562 (5) The division may exchange copies of state publications  
563 ~~public documents~~ for copies of publications from those of other  
564 states, territories, and countries. Depositories receiving  
565 ~~public documents under this section shall keep them in a~~  
566 ~~convenient form accessible to the public.~~

567 (6) A depository library shall maintain state publications  
568 in a format that is convenient and accessible to researchers and  
569 the public.

570 (7) The division may adopt rules to administer the state  
571 publications program and this section.

572 Section 13. Section 257.105, Florida Statutes, is amended  
573 to read:

574 257.105 State publications ~~Public documents~~; copies to  
575 Library of Congress. ~~Each~~ Any state official or state agency,  
576 ~~board, commission, or institution~~ having charge of any of the  
577 following state publications shall, upon requisition from  
578 ~~hereinafter named is authorized and directed to furnish~~ the  
579 Library of Congress ~~in Washington, D.C.,~~ furnish upon  
580 ~~requisition from~~ the Library of Congress with, up to three

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581 copies of:

- 582       (1) The journals of both houses of the Legislature;
- 583       (2) Volumes of the Supreme Court Reports;
- 584       (3) Volumes of periodic reports of Cabinet officers; and
- 585       (4) ~~Copies of~~ Reports, studies, maps, or other publications
- 586 by official boards or institutions of the state ~~which, from time~~
- 587 ~~to time, as such~~ are published and ~~are~~ available for public
- 588 distribution.

589       Section 14. Paragraph (g) is added to subsection (6) of

590 section 267.0612, Florida Statutes, and subsection (9) is added

591 to that section, to read:

592       267.0612 Florida Historical Commission; creation;

593 membership; powers and duties.—In order to enhance public

594 participation and involvement in the preservation and protection

595 of the state's historic and archaeological sites and properties,

596 there is created within the Department of State the "Florida

597 Historical Commission." The commission shall serve in an

598 advisory capacity to the director of the Division of Historical

599 Resources to assist the director in carrying out the purposes,

600 duties, and responsibilities of the division, as specified in

601 this chapter.

602       (6) It shall be the responsibility of the commission to

603 provide assistance, advice, and recommendations to the division

604 in:

605       (g) Evaluating proposals for Official Florida Historical

606 Markers and identifying goals for the State Historical Marker

607 Program. The evaluation process must seek to establish the

608 significance of the subject proposed for a marker. However, due

609 to the complexity or burdens of the process, the proposal and

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610 evaluation process may not preclude private citizens from  
611 directly submitting proposals without professional assistance.

612 (9) The division shall establish and administer the Great  
613 Floridians Program in order to recognize and record the  
614 achievements of Floridians who have made major contributions to  
615 the progress and welfare of the nation or the state and its  
616 residents. Living and deceased persons are eligible for  
617 recognition, although a person whose contributions are achieved  
618 through elected or appointed public service is not eligible for  
619 recognition while holding such office.

620 (a) The commission shall annually nominate one or more  
621 persons with the recommendation that they be honored with the  
622 designation "Great Floridian." The nominations shall be  
623 submitted to the secretary, who may select one or more persons  
624 to be honored from among the nominations.

625 (b) To enhance public participation and involvement in the  
626 identification of persons worthy of nomination as a Great  
627 Floridian, the division shall seek the advice and assistance of  
628 persons qualified through the demonstration of special interest,  
629 experience, or education in the dissemination of knowledge about  
630 the state's history.

631 (c) Upon the secretary's designation of a person as a Great  
632 Floridian, the division shall undertake appropriate activities  
633 to achieve wide public knowledge of the person designated.

634 (d) The division may seek to initiate production of a film,  
635 video, or digital media production depicting the life and  
636 contributions of the designee to the state and nation.

637 1. The department may be the repository of the original  
638 film, video, or digital media produced under this paragraph.

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639       2. The division may arrange for the distribution of all  
640 film, video, or digital media productions to the general public,  
641 public television stations, educational institutions, and others  
642 and may establish a reasonable charge to recover the costs  
643 associated with production and to provide a source of revenue to  
644 assist with reproduction, marketing, and distribution of Great  
645 Floridians film, video, and digital media. Proceeds from such  
646 charges shall be deposited into the Historical Resources  
647 Operating Trust Fund.

648       (e) Deceased persons designated as Great Floridians may be  
649 recognized by markers affixed to properties significantly  
650 associated with the major contributions of the designee. Such  
651 markers shall be erected pursuant to s. 267.074.

652       (f) The division may exercise the right of trademark over  
653 the terms "Great Floridian" and "Great Floridians" pursuant to  
654 s. 286.031.

655       Section 15. Section 267.075, Florida Statutes, is amended  
656 to read:

657       267.075 Management of The Grove ~~Advisory Council; creation;~~  
658 ~~membership; purposes.-~~

659       (1) The Call/Collins House, commonly known as "The Grove,"  
660 located in Tallahassee, Leon County, shall be used ~~utilized~~ as a  
661 house museum of history for the educational benefit of the  
662 citizens of this state. The use ~~utilization~~ of The Grove as a  
663 museum of history shall emphasize the lives and accomplishments  
664 of The Grove's first owner, Richard Keith Call, Florida's last  
665 Territorial Governor, and LeRoy Collins, Florida's 33rd  
666 Governor, who, with his wife, Mary Call Darby Collins, were the  
667 last owners of The Grove. The faithful restoration and

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668 maintenance of The Grove undertaken by LeRoy Collins and Mary  
669 Call Darby Collins during the nearly six decades of Collins  
670 family ownership and stewardship, which has preserved the  
671 original plan of construction and design of The Grove, shall be  
672 continued as provided ~~for~~ in this section.

673 ~~(2) There is created within the Department of State The~~  
674 ~~Grove Advisory Council for the purpose of advising the Division~~  
675 ~~of Historical Resources on the operation, maintenance,~~  
676 ~~preservation, and protection of the Call/Collins House, commonly~~  
677 ~~known as "The Grove," its grounds, cemetery, and all structures~~  
678 ~~thereon; the furniture and furnishings located therein; any~~  
679 ~~changes in the architecture, structure, furnishings, or~~  
680 ~~landscaping deemed necessary or desirable by the council; and~~  
681 ~~the design and development of interpretive programs and exhibits~~  
682 ~~in connection therewith.~~

683 ~~(3) (a) The Grove Advisory Council shall be composed of~~  
684 ~~eight members, as follows:~~

685 ~~1. Five members shall be private citizens appointed by the~~  
686 ~~Secretary of State.~~

687 ~~2. One member shall be the Secretary of Management Services~~  
688 ~~or his or her designee.~~

689 ~~3. One member shall be the director of the Division of~~  
690 ~~Historical Resources of the Department of State.~~

691 ~~4. At least one member shall be a direct descendant of Mary~~  
692 ~~Call Darby Collins appointed by the Secretary of State with the~~  
693 ~~advice of the oldest living generation of lineal descendants of~~  
694 ~~Mary Call Darby Collins.~~

695

696 ~~Of the citizen members, at least one member shall have~~



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697 ~~professional curatorial and museum expertise, one member shall~~  
698 ~~have professional architectural expertise in the preservation of~~  
699 ~~historic buildings, and one member shall have professional~~  
700 ~~landscape expertise. The five citizen members of the council~~  
701 ~~appointed by the Secretary of State and the member of the~~  
702 ~~council who is a direct descendant of Mary Call Darby Collins~~  
703 ~~appointed by the Secretary of State shall be appointed for~~  
704 ~~staggered 4-year terms. The Secretary of State shall fill the~~  
705 ~~remainder of unexpired terms for the five citizen members of the~~  
706 ~~council and the member of the council who is a direct descendant~~  
707 ~~of Mary Call Darby Collins.~~

708 ~~(b) The council shall annually elect a chair from among the~~  
709 ~~five citizen members of the council appointed by the Secretary~~  
710 ~~of State and the member of the council who is a direct~~  
711 ~~descendant of Mary Call Darby Collins appointed by the Secretary~~  
712 ~~of State. The chair shall serve for a term of 1 year. Meetings~~  
713 ~~of the council shall be held at the call of the chair, at the~~  
714 ~~request of a majority of its membership, at the request of the~~  
715 ~~Secretary of State, or at such times as may be prescribed by~~  
716 ~~rules of the council. The council shall meet at least twice~~  
717 ~~annually. A majority of the council shall constitute a quorum~~  
718 ~~for the transaction of business.~~

719 ~~(c) The council shall obtain clerical, expert, technical,~~  
720 ~~or other services from the Division of Historical Resources. The~~  
721 ~~Department of Management Services shall provide reasonable~~  
722 ~~assistance to the Department of State in carrying out the~~  
723 ~~purposes of this section.~~

724 ~~(d) Members of the council shall serve without compensation~~  
725 ~~or honorarium but shall be entitled to receive reimbursement for~~

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726 ~~per diem and travel expenses as provided in s. 112.061. All~~  
727 ~~expenses of the council shall be paid from appropriations to be~~  
728 ~~made by the Legislature to the Department of State. All vouchers~~  
729 ~~shall be approved by the Division of Historical Resources before~~  
730 ~~being submitted to the Chief Financial Officer for payment.~~

731 ~~(2)(4)(a) The division: of Historical Resources, with the~~  
732 ~~advice and assistance of the council,~~

733 (a) Shall maintain the structure, style, character, and  
734 landscaping of The Grove, its grounds, its private family  
735 cemetery, and all structures thereon consistent with the  
736 character, plan, and design of The Grove at the time the state  
737 takes physical possession of The Grove and its surrounding  
738 property from Mary Call Darby Collins. †

739 (b) Shall, in accordance with professionally accepted  
740 standards, care for and maintain The Grove's physical structure,  
741 control the climate within the structure, and preserve and  
742 protect the antique furnishings and other articles of furniture,  
743 fixtures, and decorative objects and articles used or displayed  
744 in the premises, whether owned by or loaned to the division.

745 ~~(b) The division of Historical Resources~~ Shall catalog and  
746 maintain a descriptive, photographic inventory of the  
747 furnishings, fixtures, and decorative objects and articles used  
748 or displayed in the premises.

749 ~~(c) The division of Historical Resources~~ May receive, on  
750 behalf of the state, contributions, bequests, and gifts of  
751 money, furniture, works of art, memorabilia, or other property  
752 consistent with the use of The Grove as described in this  
753 section. Title to all property which is received in this manner  
754 shall vest in the state and shall be held in trust by the

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755 ~~division of Historical Resources~~ solely to further the purposes  
756 of this section. ~~No~~ Furniture, furnishings, fixtures, or  
757 decorative objects associated with The Grove and acquired for  
758 use at The Grove from the Collins family or any of its members  
759 may not shall be used for any purpose except as a permanent part  
760 of The Grove's furniture, furnishings, fixtures, or decorative  
761 objects, ~~and any such item not so utilized shall forthwith~~  
762 ~~revert to the Collins family member or members from whom it was~~  
763 ~~acquired. No gifts, contributions, or bequests shall be accepted~~  
764 ~~for The Grove without the advice and recommendation of the~~  
765 ~~council.~~

766 (d) May operate a museum store and provide other visitor  
767 services and activities related to The Grove, charge fees for  
768 visitation and such other services and activities, establish an  
769 endowment for the benefit of The Grove, and conduct related  
770 fundraising activities ~~The Division of Historical Resources~~  
771 ~~shall adopt rules governing the maintenance and use of The~~  
772 ~~Grove; the selection, acquisition, and disposition of~~  
773 ~~furnishings and decorations for the premises; and the acceptance~~  
774 ~~of gifts, contributions, bequests, or loans of property.~~

775 (e) May support the establishment and operation of a  
776 citizen support organization pursuant to s. 267.17 for the  
777 promotion and support of The Grove. With the consent of the  
778 division, such organization may operate the museum store and  
779 provide the visitor services and activities authorized at The  
780 Grove. The net proceeds from operation of the museum store and  
781 the visitor services and activities may be used only to support  
782 The Grove.

783 (f) Shall manage The Grove in accordance with rules adopted

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784 by the division for that purpose.

785 Section 16. Subsection (1) of section 267.16, Florida  
786 Statutes, is amended to read:

787 267.16 Florida Folklife Programs.—It is the duty and  
788 responsibility of the division to:

789 (1) Identify, research, interpret, and present Florida folk  
790 arts, artists, performers, folklore, traditions, customs, and  
791 cultural heritage and make folk cultural resources, ~~and~~ and folklife  
792 projects, and folklife apprenticeship programs available  
793 throughout the state. The division shall compile, edit, publish,  
794 and print directories, books, articles, pamphlets, and other  
795 folklife materials to disseminate information about folk  
796 cultural resources. The division may sponsor conferences,  
797 workshops, festivals, lectures, and exhibitions on Florida  
798 folklife and promote the folk cultural resources of the state.

799 Section 17. Paragraph (d) is added to subsection (2) of  
800 section 267.161, Florida Statutes, to read:

801 267.161 Florida Folklife Council.—

802 (2) The council shall:

803 (d) Provide assistance, advice, and recommendations to the  
804 division in evaluating applications for folklife apprenticeship  
805 programs pursuant to s. 267.16.

806 Section 18. Section 283.31, Florida Statutes, is amended to  
807 read:

808 283.31 Records of executive agency publications.—Each  
809 agency shall maintain a record of any state publication, ~~as~~  
810 defined in s. 257.015 ~~257.05~~, the printing of which costs in  
811 excess of the threshold amount provided in s. 287.017 for  
812 CATEGORY THREE, at least part of which is paid for by state

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813 funds appropriated by the Legislature. Such record must ~~shall~~  
814 also contain the ~~following~~: written justification of the need  
815 for such publication, purpose of such publication, legislative  
816 or administrative authority, sources of funding, frequency and  
817 number of issues, and reasons for deciding to have the  
818 publication printed in-house, by another agency or the  
819 Legislature, or purchased on bid. ~~In addition~~, Such record must  
820 also ~~shall~~ contain the comparative costs of alternative printing  
821 methods if ~~when~~ such costs were a factor in deciding upon a  
822 method. The record of the corporation operating the correctional  
823 industry printing program must ~~shall~~ include the cost of  
824 materials used, the cost of labor, the cost of overhead, the  
825 amount of profit made by the corporation for such printing, and  
826 whether the state agencies that contract with the corporation  
827 for printing are prudently determining the price paid for such  
828 printing.

829 Section 19. Paragraph (a) of subsection (2) and subsection  
830 (4) of section 286.001, Florida Statutes, are amended to read:

831 286.001 Reports statutorily required; filing, maintenance,  
832 retrieval, and provision of copies.—

833 (2) With respect to reports statutorily required of  
834 agencies or officers within the executive, legislative, or  
835 judicial branches of state government, the State Board of  
836 Education, the Board of Governors of the State University  
837 System, or the Public Service Commission, it is the duty of the  
838 division, in addition to its duties under s. 257.05, to:

839 (a) Regularly compile and update bibliographic information  
840 on such reports for distribution as provided in paragraph (b).  
841 ~~Such~~ Bibliographic information may be included in the

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842 bibliographies prepared by the division pursuant to s.  
843 257.05(4)(e) ~~257.05(3)(e)~~.

844 (4) ~~Nothing in~~ This section does not ~~shall be construed to~~  
845 waive or modify the requirement in s. 257.05(2)(a) pertaining to  
846 the provision of copies of public documents to the division.

847 Section 20. Subsection (2) of section 872.05, Florida  
848 Statutes, is amended to read:

849 872.05 Unmarked human burials.—

850 (2) DEFINITIONS.—As used in this section, the term:

851 (a) "Archaeologist" means a person who is registered by the  
852 Society of Professional Archaeologists with an emphasis in field  
853 research or who, in the judgment of the State Archaeologist,  
854 meets the training and experience requirements necessary for  
855 such registration.

856 (b) "District medical examiner" means a person appointed  
857 under s. 406.06, s. 406.15, or s. 406.17.

858 (c) "Division" means the Division of Historical Resources  
859 of the Department of State.

860 (d) "Human skeletal analyst" means a person who possesses a  
861 postgraduate degree in human skeletal biology, human forensic  
862 osteology, or other related area of physical anthropology and  
863 who has a minimum of 1 year of laboratory experience in human  
864 skeletal analysis and reconstruction.

865 (e) "State Archaeologist" means the person employed by the  
866 division pursuant to s. 267.031(7).

867 (f) "Unmarked human burial" means any human skeletal  
868 remains or associated burial artifacts, or any location,  
869 including any burial mound or earthen or shell monument, where  
870 human skeletal remains or associated burial artifacts are

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871 discovered or believed to exist on the basis of archaeological  
872 or historical evidence. The term does not include those portions  
873 of human remains that are shed naturally by living persons,  
874 including, but not limited to, hair and teeth. The term also  
875 does not include,~~excluding~~ any burial marked or previously  
876 marked by a tomb, monument, gravestone, or other structure or  
877 thing placed or designed as a memorial of the dead.

878 Section 21. Sections 267.0731 and 267.0743, Florida  
879 Statutes, are repealed.

880 Section 22. This act shall take effect July 1, 2010.