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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 and the State Historical  
66 Marker Program to conform to the repeal by the act of  
67 provisions establishing the State Historical Marker  
68 Council; amending s. 267.075, F.S.; deleting  
69 provisions establishing The Grove Advisory Council;  
70 authorizing the Division of Historical Resources to  
71 charge visitor fees, establish an endowment, and  
72 conduct fundraising activities; authorizing the  
73 division, or under certain circumstances a citizen  
74 support organization, to operate a museum store and  
75 provide visitor services and activities at The Grove;  
76 providing for use of the net proceeds from the museum  
77 store and the visitor services and activities;  
78 amending s. 267.16, F.S.; requiring the division to  
79 make folklife apprenticeship programs available  
80 throughout the state; amending s. 267.161, F.S.;  
81 assigning certain duties to the Florida Folklife  
82 Council with respect to folklife apprenticeship  
83 programs; amending ss. 283.31 and 286.001, F.S.;  
84 conforming provisions to changes made by the act;  
85 conforming cross-references; amending s. 872.05, F.S.;  
86 excluding certain portions of human remains from the  
87 definition of the term "unmarked human burial" for

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88 purposes of the duties of the State Archaeologist and  
89 district medical examiners; repealing s. 267.0743,  
90 F.S., relating to the State Historical Marker Council;  
91 providing an effective date.  
92

93 Be It Enacted by the Legislature of the State of Florida:  
94

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

96 Section 2. Section 117.01, Florida Statutes, is amended to  
97 read:

98 117.01 Appointment, application, suspension, ~~revocation,~~  
99 application fee, bond, and oath.—

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

107 (2) A first-time applicant for appointment as a notary  
108 public must submit proof that, within 1 year before application,  
109 he or she completed at least 3 hours of interactive or classroom  
110 instruction, including electronic notarization, covering the  
111 duties of the notary public. Courses satisfying this requirement  
112 may be offered by any public or private-sector person or entity  
113 registered with the Department of State and must include a core  
114 curriculum approved by the department.

115 (3) A notary ~~Notaries~~ public shall be appointed for a term  
116 of 4 years and shall use and exercise the office of notary

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117 public within the boundaries of this state. An applicant must be  
118 able to read, write, and understand the English language.

119 (4)~~(2)~~ The application for appointment must ~~shall~~ be signed  
120 and sworn to or affirmed by the applicant, submitted to the  
121 Department of State, and ~~shall be~~ accompanied by a fee of \$25,  
122 together with the \$10 commission fee required by s. 113.01, and  
123 a surcharge of \$4. Of the surcharge, \$2.80 shall be deposited  
124 into the Grants and Donations Trust Fund of which \$4 is  
125 ~~appropriated to~~ the Executive Office of the Governor to be used  
126 to fund the issuance of notary commissions and the processing of  
127 suspensions, and the remaining \$1.20 shall be deposited into the  
128 Operating Trust Fund of the Department of State to be used to  
129 fund the processing of notary applications, education educate  
130 and assistance for assist notaries public, and the investigation  
131 of complaints against notaries public.

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

144 (b) An application must be accompanied by the oath of  
145 office and the notary bond required by this section. An shall

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146 ~~also accompany the application~~ must ~~and shall~~ be submitted in  
147 the format ~~a form~~ prescribed by the Department of State and, at  
148 a minimum, must include ~~which shall require, but not be limited~~  
149 ~~to, the following information:~~

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

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

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

153 4. The applicant's date of birth, race, gender, and  
154 citizenship status. ~~sex,~~

155 5. The applicant's social security number.~~7~~ ~~citizenship~~  
156 ~~status,~~

157 6. The applicant's driver's license number or the number of  
158 another ~~other~~ official state-issued identification.~~7~~ ~~affidavit~~  
159 ~~of good character from someone unrelated to the applicant who~~  
160 ~~has known the applicant for 1 year or more,~~

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

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

167 9. A statement as to whether ~~or not~~ the applicant has been  
168 convicted or found guilty of a felony~~7~~ and, if convicted or  
169 found guilty ~~there has been a conviction,~~ a statement of the  
170 nature of the felony and restoration of civil rights. ~~The~~  
171 ~~applicant may not use a fictitious or assumed name other than a~~  
172 ~~nickname on an application for commission.~~

173 (c) The application shall be maintained by the Department  
174 of State for the full term of a notary commission. A notary

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175 public shall notify, in writing, the Department of State of any  
176 change in his or her business address or, ~~home~~ telephone number,  
177 residence address or business telephone number, ~~home address~~, or  
178 criminal history record within 60 days after such change.

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

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

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

193 (5)~~(3)~~ As part of the oath, the applicant must swear or  
194 affirm that he or she has read this chapter and knows the  
195 duties, responsibilities, limitations, and powers of a notary  
196 public.

197 (6) Any person may file a complaint with the Department of  
198 State alleging a violation of this chapter by a notary public.  
199 Upon receipt of a complaint, the department shall investigate  
200 the complaint and submit a summary of its investigative findings  
201 to the Executive Office of the Governor.

202 (7)~~(4)~~ The Governor may suspend a notary public for any of  
203 the grounds provided in s. 7, Art. IV of the State Constitution.

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204 Grounds constituting malfeasance, misfeasance, or neglect of  
205 duty include, but are not limited to, ~~the following:~~

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

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

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

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

212 (e) False or misleading advertising relating to notary  
213 public services.

214 (f) Unauthorized practice of law.

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

219 (h) Commission of fraud, misrepresentation, or any  
220 intentional violation of this chapter.

221 (i) Charging fees in excess of fees authorized by this  
222 chapter.

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

224 ~~(8)-(5)-(a)~~ If a notary public receives notice from the  
225 Department of State that he or she ~~his or her office~~ has been  
226 suspended from office ~~declared vacant~~, the notary public shall  
227 forthwith mail or deliver ~~to the Secretary of State~~ his or her  
228 notary commission to the Department of State.

229 ~~(9)-(b)~~ A notary public who wishes to resign his or her  
230 commission, or a notary public who does not maintain legal  
231 residence in this state during the entire term of appointment,  
232 or a notary public whose resignation is required by the

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233 Governor, shall send a signed letter of resignation to the  
234 Governor and shall return his or her certificate of notary  
235 public commission. The resigning notary public shall destroy his  
236 or her official notary public seal of office, unless the  
237 Governor requests its return.

238 ~~(10)(6)~~ A ~~No~~ person may not ~~be~~ automatically be reappointed  
239 as a notary public. The application process must be completed  
240 ~~regardless of~~ whether an applicant is requesting his or her  
241 initial ~~first~~ notary commission, a renewal of a commission, or  
242 any subsequent commission.

243 ~~(11)(7)(a)~~ A notary public shall, before ~~prior to~~ executing  
244 the duties of the office and throughout the term of office, give  
245 bond, payable to any individual harmed as a result of a breach  
246 of duty by the notary public acting in his or her official  
247 capacity, in the amount of \$7,500, conditioned on ~~for~~ the due  
248 discharge of the office and shall take an oath that he or she  
249 will honestly, diligently, and faithfully discharge the duties  
250 of the notary public.

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

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

258 ~~(b)(c) Beginning July 1, 1996,~~ Surety companies for hire  
259 which process notary public applications, oaths, or ~~affidavits~~  
260 ~~of character,~~ and bonds for submission to the Department of  
261 State must properly submit these documents in a software and

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262 hard copy format approved by the department ~~of State.~~

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

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

277 117.021 Electronic notarization.—

278 (4) Failure of a notary public to comply with any of the  
279 requirements of this section may constitute grounds for  
280 suspension of the notary public's commission by the ~~Executive~~  
281 ~~Office of the Governor.~~

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

284 117.05 Use of notary commission; unlawful use; notary fee;  
285 seal; duties; employer liability; name change; advertising;  
286 photocopies; penalties.—

287 (1) ~~A No~~ person may not ~~shall~~ obtain or use a notary public  
288 commission in other than his or her legal name or, ~~and it is~~  
289 ~~unlawful for a notary public to~~ notarize his or her own  
290 signature. Any person applying for a notary public commission

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291 must submit proof of identity to the Department of State if ~~so~~  
292 requested. Any person who violates ~~the provisions of this~~  
293 subsection commits ~~is guilty of~~ a felony of the third degree,  
294 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

312 ~~(a)~~ (e) The notary public official seal and the certificate  
313 of notary public commission are the exclusive property of the  
314 notary public and must be kept under the direct and exclusive  
315 control of the notary public. The seal and certificate of  
316 commission may ~~must~~ not be surrendered to an employer upon  
317 termination of employment, regardless of whether the employer  
318 paid for the seal or for the commission.

319 (b) ~~(d)~~ A notary public whose official seal is lost, stolen,

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320 or believed to be in the possession of another person shall  
321 immediately notify the Department of State ~~or the Governor~~ in  
322 writing.

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

327 (9) Any notary public who lawfully changes his or her name  
328 must ~~shall~~, within 60 days after such change, request an amended  
329 commission from the Department ~~Secretary~~ of State and ~~shall~~ send  
330 \$25, his or her current commission, and a notice of change form,  
331 obtained from the department ~~Secretary of State~~, which shall  
332 include the new name and contain a specimen of his or her  
333 official signature. The department ~~Secretary of State~~ shall  
334 issue an amended commission to the notary public in the new  
335 name. A rider to the notary public's bond must accompany the  
336 notice of change form. After submitting the required notice of  
337 change form and rider to the department ~~Secretary of State~~, the  
338 notary public may continue to perform notarial acts in his or  
339 her former name for 60 days or until receipt of the amended  
340 commission, whichever occurs first ~~date is earlier~~.

341 Section 5. Section 117.103, Florida Statutes, is amended to  
342 read:

343 117.103 Certification of notary's authority ~~by Secretary of~~  
344 ~~State.~~—A notary public is not required to record his or her  
345 notary public commission in an office of a clerk of the circuit  
346 court. If certification of the notary public's commission is  
347 required, it must be obtained from the Department ~~Secretary~~ of  
348 State. Upon ~~the~~ receipt of a written request and a fee of \$10

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349 payable to the Department Secretary of State, the department  
350 ~~Secretary of State~~ shall issue a certificate of notarial  
351 authority, in a form prescribed by the department Secretary of  
352 ~~State~~, which includes ~~shall include~~ a statement explaining the  
353 legal qualifications and authority of a notary public in this  
354 state.

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

357 117.107 Prohibited acts.—

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

364 (9) A notary public may not notarize a signature on a  
365 document if the person whose signature ~~is~~ being notarized is not  
366 in the presence of the notary public at the time the signature  
367 is notarized. A ~~Any~~ notary public who violates this subsection  
368 commits ~~is guilty of~~ a civil infraction, punishable by penalty  
369 not exceeding \$5,000, and such violation constitutes malfeasance  
370 and misfeasance in the conduct of official duties. It is not a  
371 ~~no~~ defense to the civil infraction ~~specified in this subsection~~  
372 that the notary public acted without intent to defraud. A notary  
373 public who violates this subsection with the intent to defraud  
374 violates ~~is guilty of violating~~ s. 117.105 and is subject to  
375 suspension pursuant to s. 117.01(7).

376 Section 7. All powers, duties, functions, rules, records,  
377 personnel, and property; unexpended balances of appropriations,

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378 allocations, or other funds; administrative authority; pending  
379 issues; and existing contracts of the Executive Office of the  
380 Governor relating to notaries public or the administration of  
381 chapter 117, Florida Statutes, except for the issuance of notary  
382 commissions and the suspension of notaries public, are  
383 transferred by a type two transfer, as defined in s. 20.06(2),  
384 Florida Statutes, from the Executive Office of the Governor to  
385 the Department of State.

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

388 668.50 Uniform Electronic Transaction Act.—

389 (11) NOTARIZATION AND ACKNOWLEDGMENT.—

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

398 ~~(b) A first-time applicant for a notary commission must~~  
399 ~~submit proof that the applicant has, within 1 year prior to the~~  
400 ~~application, completed at least 3 hours of interactive or~~  
401 ~~classroom instruction, including electronic notarization, and~~  
402 ~~covering the duties of the notary public. Courses satisfying~~  
403 ~~this section may be offered by any public or private sector~~  
404 ~~person or entity registered with the Executive Office of the~~  
405 ~~Governor and must include a core curriculum approved by that~~  
406 ~~office.~~

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407 Section 9. Section 257.015, Florida Statutes, is amended to  
408 read:

409 257.015 Definitions.—As used in this chapter, the term:

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

411 (2) "Depository library" means a library designated as a  
412 depository library for state publications pursuant to s.  
413 257.05(4)(c).

414 (3)~~(2)~~ "Division" means the Division of Library and  
415 Information Services of the department ~~of State~~.

416 (4)~~(3)~~ "Secretary" means the Secretary of State.

417 (5) "State agency" means any official, officer, commission,  
418 board, authority, council, committee, or department of state  
419 government or any state court.

420 (6)~~(4)~~ "State Librarian" means the person appointed by the  
421 secretary as the director of the division ~~of Library and~~  
422 ~~Information Services~~ pursuant to s. 257.031.

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

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

432 257.02 ~~State Library~~ Information Services Council.—

433 ~~(1) There shall be A State Library Information Services~~  
434 Council is established to advise and assist the division with  
435 planning, policy, and priorities for the development of

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436 statewide information services ~~of Library and Information~~  
437 ~~Services on its programs and activities.~~

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

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

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

459 (c) The secretary ~~of State~~ may remove ~~from office~~ any  
460 council member for malfeasance, misfeasance, neglect of duty,  
461 incompetence, permanent inability to perform official duties, or  
462 pleading guilty or nolo contendere to, or being found guilty of,  
463 a felony.

464 (2) ~~(4)~~ The officers of the ~~State Library~~ council shall be a

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465 chair, elected annually from the members thereof, and the State  
466 Librarian, who shall serve without voting rights as secretary of  
467 the council.

468 (3) A majority of the council membership constitutes a  
469 quorum. The council may not conduct a meeting unless a quorum is  
470 present. An official action by the council requires the  
471 affirmative vote of a majority of the members present.

472 Section 11. Section 257.031, Florida Statutes, is amended  
473 to read:

474 257.031 State Librarian; appointment and duties.—

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

483 (2) The State Librarian shall:

484 (a) Keep a record of the proceedings of the ~~State Library~~  
485 Information Services Council;

486 (b) Keep an accurate account of the financial transactions  
487 of the division;

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

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

492 (e) Manage operations of the programs assigned by law to  
493 the division.

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494 Section 12. Section 257.05, Florida Statutes, is amended to  
495 read:

496 257.05 State publications program ~~Public documents;~~  
497 ~~delivery to, and distribution by, division.-~~

498 (1) The state publications program is established to make  
499 significant information about the state and state government  
500 accessible to researchers and the public through depository  
501 libraries throughout the state.

502 (2) Each state agency shall:

503 (a) Upon its release of a state publication, furnish the  
504 division with copies of the publication for distribution to  
505 depository libraries throughout the state as provided by  
506 division rules.

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

513 ~~(1) The term "public document" as used in this section~~  
514 ~~means any document, report, directory, bibliography, rule,~~  
515 ~~newsletter, pamphlet, brochure, periodical, or other~~  
516 ~~publication, whether in print or nonprint format, that is paid~~  
517 ~~for in whole or in part by funds appropriated by the Legislature~~  
518 ~~and may be subject to distribution to the public; however, the~~  
519 ~~term excludes publications for internal use by an executive~~  
520 ~~agency as defined in s. 283.30.~~

521 ~~(2) (a) Each state official, state department, state board,~~  
522 ~~state court, or state agency issuing public documents shall~~

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523 ~~furnish the Division of Library and Information Services of the~~  
524 ~~Department of State 35 copies of each of those public documents,~~  
525 ~~as issued, for deposit in and distribution by the division.~~  
526 ~~However, if the division so requests, as many as 15 additional~~  
527 ~~copies of each public document shall be supplied to it.~~

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

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

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

546 ~~(4)(3)~~ (4) ~~It is the duty of~~ The division shall be:

547 (a) Manage the state publications program.

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

549 (c)(a) ~~Designate~~ university, college, and public libraries  
550 as depository libraries ~~depositories~~ for state publications  
551 ~~public documents and to designate certain of these depositories~~

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552 ~~as regional centers for full collections of public documents.~~

553 ~~(d) (b) Establish~~ Provide a system for the ~~of~~ distribution  
554 of the copies of state publications ~~furnished~~ to depository  
555 libraries ~~it under subsection (2) to such depositories.~~

556 ~~(e) (e) Establish~~ Publish a periodic bibliography for ~~of~~ the  
557 state publications program ~~of the state.~~

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

563 (6) A depository library shall maintain state publications  
564 in a format that is convenient and accessible to researchers and  
565 the public.

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

568 Section 13. Section 257.105, Florida Statutes, is amended  
569 to read:

570 257.105 State publications ~~Public documents~~; copies to  
571 Library of Congress. ~~Each~~ Any ~~state official or state agency,~~  
572 ~~board, commission, or institution~~ having charge of any of the  
573 following state publications shall, upon requisition from  
574 ~~hereinafter named is authorized and directed to furnish~~ the  
575 Library of Congress ~~in Washington, D.C.,~~ furnish upon  
576 ~~requisition from~~ the Library of Congress with, up to three  
577 copies of:

578 (1) The journals of both houses of the Legislature;

579 (2) Volumes of the Supreme Court Reports;

580 (3) Volumes of periodic reports of Cabinet officers; and

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581        ~~(4) Copies of~~ Reports, studies, maps, or other publications  
582 by official boards or institutions of the state ~~which, from time~~  
583 ~~to time, as such~~ are published and are available for public  
584 distribution.

585        Section 14. Paragraph (g) is added to subsection (6) of  
586 section 267.0612, Florida Statutes, to read:

587        267.0612 Florida Historical Commission; creation;  
588 membership; powers and duties.—In order to enhance public  
589 participation and involvement in the preservation and protection  
590 of the state's historic and archaeological sites and properties,  
591 there is created within the Department of State the "Florida  
592 Historical Commission." The commission shall serve in an  
593 advisory capacity to the director of the Division of Historical  
594 Resources to assist the director in carrying out the purposes,  
595 duties, and responsibilities of the division, as specified in  
596 this chapter.

597        (6) It shall be the responsibility of the commission to  
598 provide assistance, advice, and recommendations to the division  
599 in:

600        (g) Evaluating proposals for Official Florida Historical  
601 Markers and identifying goals for the State Historical Marker  
602 Program. The evaluation process must seek to establish the  
603 significance of the subject proposed for a marker. However, due  
604 to the complexity or burdens of the process, the proposal and  
605 evaluation process may not preclude private citizens from  
606 directly submitting proposals without professional assistance.

607        Section 15. Section 267.075, Florida Statutes, is amended  
608 to read:

609        267.075 Management of The Grove ~~Advisory Council; creation;~~

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610 ~~membership; purposes.-~~

611 (1) The Call/Collins House, commonly known as "The Grove,"  
612 located in Tallahassee, Leon County, shall be used ~~utilized~~ as a  
613 house museum of history for the educational benefit of the  
614 citizens of this state. The use ~~utilization~~ of The Grove as a  
615 museum of history shall emphasize the lives and accomplishments  
616 of The Grove's first owner, Richard Keith Call, Florida's last  
617 Territorial Governor, and LeRoy Collins, Florida's 33rd  
618 Governor, who, with his wife, Mary Call Darby Collins, were the  
619 last owners of The Grove. The faithful restoration and  
620 maintenance of The Grove undertaken by LeRoy Collins and Mary  
621 Call Darby Collins during the nearly six decades of Collins  
622 family ownership and stewardship, which has preserved the  
623 original plan of construction and design of The Grove, shall be  
624 continued as provided ~~for~~ in this section.

625 ~~(2) There is created within the Department of State The~~  
626 ~~Grove Advisory Council for the purpose of advising the Division~~  
627 ~~of Historical Resources on the operation, maintenance,~~  
628 ~~preservation, and protection of the Call/Collins House, commonly~~  
629 ~~known as "The Grove," its grounds, cemetery, and all structures~~  
630 ~~thereon; the furniture and furnishings located therein; any~~  
631 ~~changes in the architecture, structure, furnishings, or~~  
632 ~~landscaping deemed necessary or desirable by the council; and~~  
633 ~~the design and development of interpretive programs and exhibits~~  
634 ~~in connection therewith.~~

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

637 ~~1. Five members shall be private citizens appointed by the~~  
638 ~~Secretary of State.~~

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

641 ~~3. One member shall be the director of the Division of~~  
642 ~~Historical Resources of the Department of State.~~

643 ~~4. At least one member shall be a direct descendant of Mary~~  
644 ~~Call Darby Collins appointed by the Secretary of State with the~~  
645 ~~advice of the oldest living generation of lineal descendants of~~  
646 ~~Mary Call Darby Collins.~~

647  
648 ~~Of the citizen members, at least one member shall have~~  
649 ~~professional curatorial and museum expertise, one member shall~~  
650 ~~have professional architectural expertise in the preservation of~~  
651 ~~historic buildings, and one member shall have professional~~  
652 ~~landscape expertise. The five citizen members of the council~~  
653 ~~appointed by the Secretary of State and the member of the~~  
654 ~~council who is a direct descendant of Mary Call Darby Collins~~  
655 ~~appointed by the Secretary of State shall be appointed for~~  
656 ~~staggered 4-year terms. The Secretary of State shall fill the~~  
657 ~~remainder of unexpired terms for the five citizen members of the~~  
658 ~~council and the member of the council who is a direct descendant~~  
659 ~~of Mary Call Darby Collins.~~

660 ~~(b) The council shall annually elect a chair from among the~~  
661 ~~five citizen members of the council appointed by the Secretary~~  
662 ~~of State and the member of the council who is a direct~~  
663 ~~descendant of Mary Call Darby Collins appointed by the Secretary~~  
664 ~~of State. The chair shall serve for a term of 1 year. Meetings~~  
665 ~~of the council shall be held at the call of the chair, at the~~  
666 ~~request of a majority of its membership, at the request of the~~  
667 ~~Secretary of State, or at such times as may be prescribed by~~

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668 ~~rules of the council. The council shall meet at least twice~~  
669 ~~annually. A majority of the council shall constitute a quorum~~  
670 ~~for the transaction of business.~~

671 ~~(c) The council shall obtain clerical, expert, technical,~~  
672 ~~or other services from the Division of Historical Resources. The~~  
673 ~~Department of Management Services shall provide reasonable~~  
674 ~~assistance to the Department of State in carrying out the~~  
675 ~~purposes of this section.~~

676 ~~(d) Members of the council shall serve without compensation~~  
677 ~~or honorarium but shall be entitled to receive reimbursement for~~  
678 ~~per diem and travel expenses as provided in s. 112.061. All~~  
679 ~~expenses of the council shall be paid from appropriations to be~~  
680 ~~made by the Legislature to the Department of State. All vouchers~~  
681 ~~shall be approved by the Division of Historical Resources before~~  
682 ~~being submitted to the Chief Financial Officer for payment.~~

683 ~~(2)(4)(a) The division: of Historical Resources, with the~~  
684 ~~advice and assistance of the council,~~

685 ~~(a) Shall maintain the structure, style, character, and~~  
686 ~~landscaping of The Grove, its grounds, its private family~~  
687 ~~cemetery, and all structures thereon consistent with the~~  
688 ~~character, plan, and design of The Grove at the time the state~~  
689 ~~takes physical possession of The Grove and its surrounding~~  
690 ~~property from Mary Call Darby Collins. ~~It~~~~

691 ~~(b) Shall, in accordance with professionally accepted~~  
692 ~~standards, care for and maintain The Grove's physical structure,~~  
693 ~~control the climate within the structure, and preserve and~~  
694 ~~protect the antique furnishings and other articles of furniture,~~  
695 ~~fixtures, and decorative objects and articles used or displayed~~  
696 ~~in the premises, whether owned by or loaned to the division.~~

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697           (b) ~~The division of Historical Resources~~ Shall catalog and  
698 maintain a descriptive, photographic inventory of the  
699 furnishings, fixtures, and decorative objects and articles used  
700 or displayed in the premises.

701           (c) ~~The division of Historical Resources~~ May receive, on  
702 behalf of the state, contributions, bequests, and gifts of  
703 money, furniture, works of art, memorabilia, or other property  
704 consistent with the use of The Grove as described in this  
705 section. Title to all property which is received in this manner  
706 shall vest in the state and shall be held in trust by the  
707 ~~division of Historical Resources~~ solely to further the purposes  
708 of this section. ~~No~~ Furniture, furnishings, fixtures, or  
709 decorative objects associated with The Grove and acquired for  
710 use at The Grove from the Collins family or any of its members  
711 may not shall be used for any purpose except as a permanent part  
712 of The Grove's furniture, furnishings, fixtures, or decorative  
713 objects, ~~and any such item not so utilized shall forthwith~~  
714 ~~revert to the Collins family member or members from whom it was~~  
715 ~~acquired. No gifts, contributions, or bequests shall be accepted~~  
716 ~~for The Grove without the advice and recommendation of the~~  
717 ~~council.~~

718           (d) May operate a museum store and provide other visitor  
719 services and activities related to The Grove, charge fees for  
720 visitation and such other services and activities, establish an  
721 endowment for the benefit of The Grove, and conduct related  
722 fundraising activities ~~The Division of Historical Resources~~  
723 ~~shall adopt rules governing the maintenance and use of The~~  
724 ~~Grove; the selection, acquisition, and disposition of~~  
725 ~~furnishings and decorations for the premises; and the acceptance~~

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726 ~~of gifts, contributions, bequests, or loans of property.~~

727 (e) May support the establishment and operation of a  
728 citizen support organization pursuant to s. 267.17 for the  
729 promotion and support of The Grove. With the consent of the  
730 division, such organization may operate the museum store and  
731 provide the visitor services and activities authorized at The  
732 Grove. The net proceeds from operation of the museum store and  
733 the visitor services and activities may be used only to support  
734 The Grove.

735 (f) Shall manage The Grove in accordance with rules adopted  
736 by the division for that purpose.

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

739 267.16 Florida Folklife Programs.—It is the duty and  
740 responsibility of the division to:

741 (1) Identify, research, interpret, and present Florida folk  
742 arts, artists, performers, folklore, traditions, customs, and  
743 cultural heritage and make folk cultural resources, ~~and~~ and folklife  
744 projects, and folklife apprenticeship programs available  
745 throughout the state. The division shall compile, edit, publish,  
746 and print directories, books, articles, pamphlets, and other  
747 folklife materials to disseminate information about folk  
748 cultural resources. The division may sponsor conferences,  
749 workshops, festivals, lectures, and exhibitions on Florida  
750 folklife and promote the folk cultural resources of the state.

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

753 267.161 Florida Folklife Council.—

754 (2) The council shall:

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755 (d) Provide assistance, advice, and recommendations to the  
756 division in evaluating applications for folklife apprenticeship  
757 programs pursuant to s. 267.16.

758 Section 18. Section 283.31, Florida Statutes, is amended to  
759 read:

760 283.31 Records of executive agency publications.—Each  
761 agency shall maintain a record of any state publication, as  
762 defined in s. 257.015 ~~257.05~~, the printing of which costs in  
763 excess of the threshold amount provided in s. 287.017 for  
764 CATEGORY THREE, at least part of which is paid for by state  
765 funds appropriated by the Legislature. Such record must ~~shall~~  
766 also contain the ~~following~~: written justification of the need  
767 for such publication, purpose of such publication, legislative  
768 or administrative authority, sources of funding, frequency and  
769 number of issues, and reasons for deciding to have the  
770 publication printed in-house, by another agency or the  
771 Legislature, or purchased on bid. ~~In addition~~, Such record must  
772 also ~~shall~~ contain the comparative costs of alternative printing  
773 methods if ~~when~~ such costs were a factor in deciding upon a  
774 method. The record of the corporation operating the correctional  
775 industry printing program must ~~shall~~ include the cost of  
776 materials used, the cost of labor, the cost of overhead, the  
777 amount of profit made by the corporation for such printing, and  
778 whether the state agencies that contract with the corporation  
779 for printing are prudently determining the price paid for such  
780 printing.

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

783 286.001 Reports statutorily required; filing, maintenance,

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784 retrieval, and provision of copies.—

785 (2) With respect to reports statutorily required of  
786 agencies or officers within the executive, legislative, or  
787 judicial branches of state government, the State Board of  
788 Education, the Board of Governors of the State University  
789 System, or the Public Service Commission, it is the duty of the  
790 division, in addition to its duties under s. 257.05, to:

791 (a) Regularly compile and update bibliographic information  
792 on such reports for distribution as provided in paragraph (b).  
793 ~~Such~~ Bibliographic information may be included in the  
794 bibliographies prepared by the division pursuant to s.  
795 257.05(4)(e) ~~257.05(3)(e)~~.

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

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

801 872.05 Unmarked human burials.—

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

803 (a) "Archaeologist" means a person who is registered by the  
804 Society of Professional Archaeologists with an emphasis in field  
805 research or who, in the judgment of the State Archaeologist,  
806 meets the training and experience requirements necessary for  
807 such registration.

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

810 (c) "Division" means the Division of Historical Resources  
811 of the Department of State.

812 (d) "Human skeletal analyst" means a person who possesses a

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813 postgraduate degree in human skeletal biology, human forensic  
814 osteology, or other related area of physical anthropology and  
815 who has a minimum of 1 year of laboratory experience in human  
816 skeletal analysis and reconstruction.

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

819 (f) "Unmarked human burial" means any human skeletal  
820 remains or associated burial artifacts, or any location,  
821 including any burial mound or earthen or shell monument, ~~where~~  
822 human skeletal remains or associated burial artifacts are  
823 discovered or believed to exist on the basis of archaeological  
824 or historical evidence. The term does not include those portions  
825 of human remains that are shed naturally by living persons,  
826 including, but not limited to, hair and teeth. The term also  
827 does not include, ~~excluding~~ any burial marked or previously  
828 marked by a tomb, monument, gravestone, or other structure or  
829 thing placed or designed as a memorial of the dead.

830 Section 21. Section 267.0743, Florida Statutes, is  
831 repealed.

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