

1 A bill to be entitled
2 An act relating to duties of the Department of State;
3 repealing ss. 113.01, 113.02, and 113.03, F.S.,
4 relating to fees for commissions issued by Governor,
5 fees to be paid before commissions are issued, and the
6 disposition of proceeds, respectively; amending s.
7 113.051, F.S.; requiring an oath of office to be filed
8 before certain actions may be taken with a commission;
9 amending ss. 117.01 and 117.225, F.S.; conforming
10 provisions to changes made by the act; amending s.
11 117.295, F.S.; conforming a cross-reference; amending
12 s. 257.031, F.S.; revising the entity that accredits a
13 specified library school program; amending s. 257.12,
14 F.S.; revising duties of the State Library Council;
15 authorizing the Secretary of State to review and
16 identify certain funding recommendations made by the
17 council; defining the term "harmful to minors";
18 amending s. 257.17, F.S.; conforming provisions to
19 changes made by the act; amending s. 257.191, F.S.;
20 requiring the secretary to identify whether
21 construction grant funds meet certain criteria and are
22 used for certain purposes; defining the term "harmful
23 to minors"; requiring the secretary to submit a
24 recommended list to the Legislature for funding
25 consideration; amending s. 257.23, F.S.; requiring the

26 secretary to identify whether construction grant funds
27 meet certain criteria and are used for certain
28 purposes; defining the term "harmful to minors";
29 repealing s. 257.34, F.S., relating to the Florida
30 International Archive and Repository; amending s.
31 257.42, F.S.; requiring the secretary to identify
32 whether library cooperative grant funds meet certain
33 criteria and are used for certain purposes; defining
34 the term "harmful to minors"; amending s. 265.283,
35 F.S.; revising definitions; amending s. 265.284, F.S.;
36 replacing the term "chief cultural officer" with the
37 term "chief arts and culture officer"; providing that
38 the secretary is the chief arts and culture officer of
39 the state; amending s. 265.285, F.S.; revising the
40 membership of the Florida Council on Arts and Culture;
41 prohibiting council members from receiving financial
42 compensation under specified circumstances; providing
43 an exception; revising duties of the council; defining
44 the term "harmful to minors"; amending s. 265.286,
45 F.S.; defining the term "harmful to minors"; requiring
46 the Division of Arts and Culture to accept
47 applications for arts and cultural grants for
48 specified purposes; specifying eligibility criteria;
49 removing review panel member appointments and
50 criteria; authorizing the secretary to review a

51 specified list and provide comments to the
52 Legislature; requiring that specified grant funds meet
53 certain criteria and are used for certain purposes;
54 requiring the secretary to submit a recommended list
55 to the Legislature for funding consideration;
56 providing activities and programs for which the
57 division may award grants; revising items for which
58 the division may adopt rules; prohibiting applicants
59 for grant funding from having substantial interests
60 for certain recommendations; requiring the secretary
61 to submit a recommended list to the Legislature for
62 funding consideration; authorizing the council and
63 secretary to provide a separate list for certain
64 activities and programs; providing applicability;
65 providing expiration dates for certain purposes;
66 amending s. 265.2865, F.S.; authorizing, rather than
67 requiring, the council to accept and recommend
68 nominations for certain purposes annually; reducing
69 the number of members the secretary may name to the
70 Florida Artists Hall of Fame in any nomination year;
71 authorizing, rather than requiring, the secretary to
72 annually request an appropriation for certain
73 purposes; amending s. 265.701, F.S.; removing the
74 ability of certain grant funds to be used to acquire
75 cultural facilities; authorizing the secretary to

76 review specified list and provide comments to the
77 Legislature; requiring that grant funds meet certain
78 criteria and are used for certain purposes; defining
79 the term "harmful to minors"; requiring the secretary
80 to make submit a recommended list to the Legislature
81 for funding considerations; authorizing the council
82 and secretary to provide a separate list for certain
83 activities and programs; providing applicability;
84 providing expiration dates for a certain purpose;
85 amending s. 265.703, F.S.; revising the programs for
86 which citizen support organizations may provide
87 support; amending s. 265.803, F.S.; revising
88 programmatic set-up and functions of the Florida
89 Folklife Council; amending s. 267.0612, F.S.;
90 requiring the secretary to review special category
91 historic preservation grants-in-aid recommendations of
92 the Florida Historical Commission; amending s.
93 267.0617, F.S.; removing a provision that requires
94 certain funds to be credited to the Historical
95 Resources Operating Trust Fund; authorizing the
96 secretary to review specified lists and provide
97 comments to the Legislature; requiring that grant
98 funds meet certain criteria and are used for certain
99 purposes; requiring the secretary to submit
100 recommended lists to the Legislature for funding

consideration; defining the term "harmful to minors";
repealing s. 267.0722, F.S., relating to the Florida
Museum of Black History; amending s. 267.075, F.S.;
removing provisions relating to The Grove Advisory
Council; amending s. 267.21, F.S.; revising mechanisms
by which state funds to assist abandoned African-
American cemeteries may be awarded specified grant
funds; authorizing the secretary to review a specified
list and provide comments to the Legislature;
requiring that grant funds meet certain criteria and
are used for certain purposes; requiring the secretary
to submit a recommended list to the Legislature for
funding consideration; defining the term "harmful to
minors"; amending s. 267.22, F.S.; revising
programmatic duties and make-up of the Historic
Cemeteries Program Advisory Council; requiring the
council to evaluate proposals for awards of grants
relating to abandoned African-American cemeteries;
providing an effective date.

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

Section 1. Sections 113.01, 113.02, and 113.03, Florida
Statutes, are repealed.

Section 2. **Section 113.051, Florida Statutes, is amended**

126 **to read:**

127 113.051 Grants and commissions.—All grants and commissions
128 shall be in the name and under the authority of the State of
129 Florida, sealed with the great seal of this ~~the~~ state, signed by
130 the Governor, and countersigned by the Secretary of State. A
131 commission may not be issued by the Governor, attested to by the
132 Secretary of State, or bear the seal of this state until the
133 oath of office is filed pursuant to s. 113.06.

134 **Section 3. Subsection (2) of section 117.01, Florida**
135 **Statutes, is amended to read:**

136 117.01 Appointment, application, suspension, revocation,
137 application fee, bond, and oath.—

138 (2) The application for appointment shall be signed and
139 sworn to by the applicant and shall be accompanied by a fee of
140 ~~\$25, together with the \$10 commission fee required by s. 113.01,~~
141 and a surcharge of \$4, which \$4 is appropriated to the Executive
142 Office of the Governor to be used to educate and assist notaries
143 public. The Executive Office of the Governor may contract with
144 private vendors to provide the services set forth in this
145 section. However, a ~~no~~ commission fee is not ~~shall be~~ required
146 for the issuance of a commission as a notary public to a veteran
147 who served during a period of wartime service, as defined in s.
148 1.01(14), and who has been rated by the United States Government
149 or the United States Department of Veterans Affairs or its
150 predecessor to have a disability rating of 50 percent or more;

151 such a disability is subject to verification by the Secretary of
152 State, who has authority to adopt reasonable procedures to
153 implement this act. The oath of office and notary bond required
154 by this section shall also accompany the application and ~~shall~~
155 be in a form prescribed by the Department of State which shall
156 require, but not be limited to, the following information: full
157 name, residence address and telephone number, business address
158 and telephone number, date of birth, race, sex, social security
159 number, citizenship status, driver license number or the number
160 of other official state-issued identification, affidavit of good
161 character from someone unrelated to the applicant who has known
162 the applicant for 1 year or more, a list of all professional
163 licenses and commissions issued by this ~~the~~ state during the
164 previous 10 years and a statement as to whether or not the
165 applicant has had such license or commission revoked or
166 suspended, and a statement as to whether or not the applicant
167 has been convicted of a felony, and, if there has been a
168 conviction, a statement of the nature of the felony and
169 restoration of civil rights. The applicant may not use a
170 fictitious or assumed name other than a nickname on an
171 application for commission. The application shall be maintained
172 by the Department of State for the full term of a notary
173 commission. A notary public shall notify, in writing, the
174 Department of State of any change in his or her business
175 address, home telephone number, business telephone number, home

address, or criminal record within 60 days after such change.
The Governor may require any other information he or she deems necessary for determining whether an applicant is eligible for a notary public commission. Each applicant must swear or affirm on the application that the information on the application is true and correct.

Section 4. Subsection (3) of section 117.225, Florida Statutes, is amended to read:

117.225 Registration; qualifications.—A notary public, a civil-law notary appointed under chapter 118, or a commissioner of deeds appointed under part IV of chapter 721 may complete registration as an online notary public with the Department of State by:

~~(3) Paying a notary public registration fee as required by s. 113.01.~~

Section 5. Paragraph (b) of subsection (2) of section 117.295, Florida Statutes, is amended to read:

117.295 Standards for electronic and online notarization; rulemaking authority.—

(2) The Department of State shall:

(b) Publish on its website a list containing each online notary public, the online notary public's RON service providers from January 1, 2022, and thereafter, the effective dates during which the online notary public used each RON service provider, as identified pursuant to ss. 117.225(4) ~~ss. 117.225(5)~~ and

117.265(5)(b), any secure repositories to which the online notary public may have delegated his or her duties pursuant to s. 117.245(4) from January 1, 2022, and thereafter, and the effective dates of that delegation.

Section 6. Subsection (1) of section 257.031, Florida Statutes, is amended to read:

257.031 State Librarian; appointment and duties.—

(1) The State Librarian shall be appointed by the Secretary of State, shall have completed a library school program accredited by a national library professional ~~the American Library~~ association, and shall serve as the director of the Division of Library and Information Services of the Department of State. The Secretary of State may, in making the appointment of State Librarian, consult the members of the State Library Council.

Section 7. Subsection (4) is added to section 257.12, Florida Statutes, to read:

257.12 Division of Library and Information Services authorized to accept and expend federal funds.—

(4) The State Library Council, as provided in s. 257.02, shall develop recommendations for providing available federal funds to public libraries. The secretary may review and identify the funding recommendation list to identify whether federal grant funds awarded under this section are expended in compliance with all federal, state, and local laws and

regulations and are used only for activities and programs that
are not harmful to minors. For purposes of this subsection, the
term "harmful to minors" means any reproduction, imitation,
characterization, description, exhibition, presentation, or
representation, in any manner or form, depicting sexual conduct
or sexual excitement.

**Section 8. Paragraph (a) of subsection (2) of section
257.17, Florida Statutes, is amended to read:**

257.17 Operating grants.—A political subdivision that has
been designated by a county or municipality as the single
library administrative unit is eligible to receive from the
state an annual operating grant of not more than 25 percent of
all local funds expended by that political subdivision during
the second preceding fiscal year for the operation and
maintenance of a library, under the following conditions:

(2) The library established or maintained by such
political subdivision shall:

(a) Be operated under a single administrative head who is
an employee of the single library administrative unit and who
has completed a library education program accredited by a
national library professional ~~the American Library~~ association.
The single administrative head shall have at least 2 years of
full-time paid professional experience, after completing the
library education program, in a public library that is open to
the public for a minimum of 40 hours per week.

Section 9. Section 257.191, Florida Statutes, is amended to read:

257.191 Construction grants.—

(1) The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount, unless the matching requirement is waived by s. 288.06561. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a library construction grant. The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

(2)(a) The secretary must identify whether the library construction grants awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this paragraph, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct

276 or sexual excitement.

277 (b) The secretary shall submit a recommended list to the
278 Legislature for funding consideration.

279 **Section 10. Section 257.23, Florida Statutes, is amended**
280 **to read:**

281 257.23 Application for grant.—

282 (1) The board of county commissioners of any county, the
283 chief executive officer of a municipality, or the governing body
284 of a special district or a special tax district desiring to
285 receive a grant under the provisions of ss. 257.14-257.25 shall
286 apply therefor to the Division of Library and Information
287 Services on or before October 1 of each year on a form to be
288 provided by the division. The application shall be signed by the
289 chair of the board of county commissioners and attested by the
290 clerk of the circuit court or the appropriate officer in a
291 charter county, by the chief executive officer of a municipality
292 and attested by the clerk of the municipality, or by the chair
293 of the governing body and attested by the chief financial
294 officer of a special district or a special tax district. The
295 county, municipality, special district, or special tax district
296 shall agree to observe the standards established by the division
297 as authorized in s. 257.15. On or before December 1 each year,
298 the applicant shall certify the annual tax income and the rate
299 of tax or the annual appropriation for the free library or free
300 library service, and shall furnish such other pertinent

information as the division may require.

(2) The secretary must identify whether grants awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement.

Section 11. Section 257.34, Florida Statutes, is repealed.

Section 12. **Section 257.42, Florida Statutes, is amended to read:**

257.42 Library cooperative grants.—

(1) The administrative unit of a library cooperative is eligible to receive an annual grant from the state for the purpose of sharing library resources based upon an annual plan of service and expenditure and an annually updated 5-year, long-range plan of cooperative library resource sharing. Those plans, which must include a component describing how the cooperative will share technology and the use of technology, must be submitted to the division for evaluation and possible recommendation for funding in the division's legislative budget request. Grant funds may not be used to supplant local funds or other funds. A library cooperative must provide from local sources matching cash funds equal to 10 percent of the grant

award.

(2) The secretary must identify whether state grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement.

Section 13. Subsections (12), (16) and (17) of section 265.283, Florida Statutes, are amended to read:

265.283 Definitions.—The following definitions shall apply to ss. 265.281-265.703:

~~(12) "Panel" means a grant review panel.~~

~~(16) "State touring program grants" means grants used to provide performances, activities, and exhibitions by Florida artists to communities.~~

~~(17) "Underserved arts community assistance program grants" means grants used by qualified organizations under the Rural Economic Development Initiative, pursuant to ss. 288.0656 and 288.06561, for the purpose of economic and organizational development for underserved cultural organizations.~~

Section 14. Subsection (1) of section 265.284, Florida Statutes, is amended to read:

265.284 Chief arts and culture ~~cultural~~ officer; director

351 of division; powers and duties.—

352 (1) The secretary ~~of State~~ is the chief arts and culture
353 ~~cultural~~ officer of the state.

354 **Section 15. Paragraphs (a) and (c) of subsection (1) and**
355 **paragraphs (c), (e), (f), and (g) of subsection (2) of section**
356 **265.285, Florida Statutes, are amended to read:**

357 265.285 Florida Council on Arts and Culture; membership,
358 duties.—

359 (1)(a) The Florida Council on Arts and Culture is created
360 within the department as an advisory body, as defined in s.
361 20.03(7). The council shall be composed of, ~~consisting of~~ 15
362 members. Seven members shall be appointed by the Governor in
363 consultation with the Secretary of State, four members shall be
364 appointed by the President of the Senate, and four members shall
365 be appointed by the Speaker of the House of Representatives. Of
366 the seven members appointed by the Governor, one member must be
367 a licensed architect who has expertise in cultural facilities;
368 one member must be an enrolled member of the Seminole Tribe of
369 Florida; one member must be a professional public folklorist;
370 one member must be a university affiliated folklorist; one
371 member must be a practicing or former professional artist; and
372 one member must be a retired chief executive officer of a
373 Florida-based accredited museum. The remaining member appointed
374 by the Governor and the four members appointed by the President
375 of the Senate and the Speaker of the House of Representatives,

376 respectively, must be representatives of the public with
377 demonstrated interest in and knowledge of the arts, culture,
378 museums, folklore, and cultural heritage traditions. The
379 appointments that are, ~~to be~~ made in consultation with the
380 Secretary of State, shall recognize the need for geographical
381 representation. Council members appointed by the Governor shall
382 be appointed for 4-year terms beginning on January 1 of the year
383 of appointment. Council members appointed by the President of
384 the Senate and the Speaker of the House of Representatives shall
385 be appointed for 2-year terms beginning on January 1 of the year
386 of appointment. A member of the council who serves two 4-year
387 terms or two 2-year terms is not eligible for reappointment for
388 1 year following the expiration of the member's second term. A
389 member whose term has expired shall continue to serve on the
390 council until such time as a replacement is appointed. Any
391 vacancy on the council shall be filled for the remainder of the
392 unexpired term in the same manner as for the original
393 appointment. Members should have a substantial history of
394 community service in the performing or visual arts, which
395 includes, but is not limited to, theater, dance, folk and
396 traditional arts, music, architecture, photography, literature,
397 and media arts, or in the areas of science, history, or
398 children's museums. In addition, it is desirable that members
399 have successfully served on boards of cultural institutions such
400 as museums and performing arts centers or are recognized as

401 patrons of the arts. A member may not receive financial
402 compensation as an employee or officer of an entity that has
403 received grant funds or an applicant for division grant funding
404 recommendations. This prohibition does not apply to an employee
405 or officer of a state college or university.

406 (c) Members of the council ~~and panels~~ may not receive any
407 compensation for their services but shall be reimbursed for
408 travel and expenses incurred in the performance of their duties,
409 as provided in s. 112.061.

410 (2) The council shall:

411 (c) Encourage the participation in and appreciation of
412 arts, ~~and~~ culture, and folklife to meet the needs and
413 aspirations of persons in all parts of the state.

414 (e) Encourage arts and culture development within
415 communities ~~and assist freedom of artistic expression that is~~
416 ~~essential for the well-being of the arts.~~

417 (f) Advise the secretary in matters concerning the
418 awarding of grants for arts and culture as authorized in this
419 act and make funding recommendations for activities and programs
420 that are not harmful to minors. For purposes of this paragraph,
421 the term "harmful to minors" means any reproduction, imitation,
422 characterization, description, exhibition, presentation, or
423 representation, in any manner or form, depicting sexual conduct
424 or sexual excitement.

425 (g) Promote and assist with division programs such as the

Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program ~~the reading, writing, and appreciation of poetry throughout the state and accept nominations and recommend nominees for appointment as the State Poet Laureate under s. 265.2863.~~

Section 16. Section 265.286, Florida Statutes, is amended to read:

265.286 Arts ~~Art~~ and cultural grants.—

(1) For purposes of this section, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement.

(2) The division shall accept applications for arts and cultural grants for activities and programs identified in subsection (8) and based on the rules adopted under this section.

(3) To be eligible for a grant, an applicant must:

(a) Be a nonprofit, tax-exempt Florida corporation; or a local or state governmental entity, school district, community college, college, university, agency of state government, or artist engaged in or concerned with arts and cultural activities.

(b) Conduct activities and programs that are not harmful to minors.

451 (c) Strictly conform with all applicable local, state, and
452 federal laws and regulations.

453 (4)-(1) The secretary may appoint reviewers ~~review panels~~
454 ~~consisting of members from various art and cultural disciplines~~
455 ~~and programs~~ to assist the council in the grant application
456 review process. Appointed reviewers shall review ~~Each panel~~
457 ~~member shall be appointed to a 1-year term. Each panel shall~~
458 ~~consist of practicing artists or other professionals actively~~
459 ~~involved in the specific discipline or program for which the~~
460 ~~panel has been appointed. Each panel shall review and score~~
461 ~~grant~~ applications and recommend to the council the applicants
462 to which grants may ~~should~~ be awarded. ~~The panels shall submit~~
463 ~~lists of eligible applicants by score. The division shall adopt~~
464 ~~rules establishing a formula for such scoring.~~

465 (5)-(2) The council ~~and each panel~~ shall provide a forum
466 for public comment before voting on any grant application.

467 (6)-(3) After the council reviews the recommended ~~lists of~~
468 ~~eligible applicants submitted by each review panel~~, it shall
469 develop a list of recommended arts and culture grants ~~two lists,~~
470 ~~one of which must consist of eligible applicants for general~~
471 ~~program support funding and one of which must consist of~~
472 ~~eligible applicants for specific cultural project funding, and~~
473 submit the list ~~lists~~ to the secretary. The secretary may review
474 and provide comments to the Legislature concerning the
475 recommended applicants. Funds awarded under this section must be

476 expended in compliance with all federal, state, and local laws
477 and regulations and used only for activities and programs that
478 are not harmful to minors. The secretary shall submit the
479 recommended list to the Legislature annually for funding
480 consideration ~~shall review the council's recommendations and,~~
481 ~~beginning July 1, 2010, include the lists of approved applicants~~
482 ~~in the department's legislative budget request submitted to the~~
483 ~~Legislature.~~

484 ~~(7)-(4)~~ Arts and cultural ~~Project~~ grants shall be funded
485 from the secretary's submitted ~~approved~~ list ~~by score~~ until all
486 appropriated funds are depleted. If ~~specific project~~ grant funds
487 are returned to the division, it shall award such funds to the
488 next grant applicant on the secretary's list of ~~approved~~
489 applicants. ~~General program support grants shall be awarded to~~
490 ~~applicants on the secretary's list in amounts determined by~~
491 ~~rule.~~

492 ~~(8)-(5)~~ The division shall administer awarded grants ~~fund~~:

493 (a) To supplement the financial support of artistic and
494 cultural activities and programs that, without the assistance,
495 may otherwise be unavailable to Florida residents ~~Grants for~~
496 ~~general program support for science museums, youth and~~
497 ~~children's museums, historical museums, local arts agencies,~~
498 ~~state service organizations, and organizations that have~~
499 ~~cultural program activities in any of the art and cultural~~
500 ~~disciplines defined in s. 265.283.~~

501 (b) To activities and programs that have substantial
502 artistic and cultural significance and emphasize creativity and
503 professional excellence ~~Grants for specific cultural projects~~
504 ~~for arts in education, museums, Culture Builds Florida, or~~
505 ~~nonprofit public or private organizations having cultural~~
506 ~~project activity in any of the art and cultural disciplines.~~

507 (c) To activities and programs that meet the professional
508 standards or standards of authenticity of significant merit,
509 regardless of origin ~~Grants for a touring program that has a~~
510 ~~selection procedure that ensures the maximum opportunity for~~
511 ~~Florida artists and cultural groups.~~

512 (d) To activities and programs that are not harmful to
513 minors ~~An individual artist fellowship program. The division~~
514 ~~shall establish a selection procedure that identifies individual~~
515 ~~artists of exceptional talent and demonstrated ability and~~
516 ~~distribute grant appropriations as provided by rule.~~

517 (e) To other programs consistent with the purpose of this
518 act.

519 (9) ~~(6)~~ The division may ~~shall~~ adopt rules establishing:

520 (a) Eligibility criteria for the award of grants, which
521 may include, but need not be limited to, application
522 requirements, allowable and nonallowable costs, program quality,
523 artistic quality, creativity, potential public exposure and
524 benefit, the ability to properly administer grant funds,
525 professional excellence, fiscal stability, state or regional

526 impact and economic development, matching requirements, and
527 other requirements to further the purposes of this act.

528 (b) Particular grant programs, categories of grants, and
529 procedures necessary for the prudent administration of the grant
530 programs.

531 (c) The ~~panel~~ review process, including, but not limited
532 to, criteria for reviewing grant applications to identify
533 whether there is ~~ensure~~ compliance with applicable federal and
534 state law, including those related to discrimination and
535 conflicts of interest and whether the activities and programs
536 are harmful to minors. The division may not award any new grant
537 that will, in whole or in part, inure to the personal benefit of
538 any council ~~or review panel~~ member during the member's term of
539 office or reviewer if the council ~~or panel~~ member or reviewer
540 participated in the vote of the council or reviewer ~~panel~~
541 recommending the award. This paragraph does not prohibit the
542 division from awarding a grant to an entity with which a council
543 ~~or panel~~ member or reviewer is associated.

544 ~~(7) The division shall award grants:~~

545 ~~(a) To supplement the financial support of artistic and~~
546 ~~cultural activities and programs that, without the assistance,~~
547 ~~may otherwise be unavailable to Florida residents.~~

548 ~~(b) To activities and programs that have substantial~~
549 ~~artistic and cultural significance and emphasize creativity and~~
550 ~~professional excellence.~~

551 ~~(c) To activities and programs that meet the professional~~
552 ~~standards or standards of authenticity of significant merit,~~
553 ~~regardless of origin.~~

554 ~~(d) For other reasons consistent with this act.~~

555 ~~(8) Eligible grantees must:~~

556 ~~(a) Be a nonprofit, tax-exempt Florida corporation; or~~

557 ~~(b) A local or state governmental entity, school district,~~
558 ~~community college, college, university, agency of state~~
559 ~~government, or artist engaged in or concerned with arts and~~
560 ~~cultural activities.~~

561 (10) ~~(9)~~ In order to equitably distribute limited state
562 funding, applicants may apply for and be awarded only one grant
563 per annual grant cycle, except for cultural facilities, ~~a~~
564 ~~cultural endowment, or touring program grants and individual~~
565 ~~artist fellowships.~~

566 (11) ~~(10)~~ Of the total amount of grant funds available from
567 all sources for grants, except cultural facilities ~~and cultural~~
568 ~~endowments~~, 70 percent shall be awarded on at least a dollar-to-
569 dollar matching basis. Up to 50 percent of the grantee's match
570 may consist of in-kind funds. Up to 30 percent of all grant
571 funds may be awarded on a nonmatching basis, ~~including~~
572 ~~individual fellowships.~~

573 (12) An applicant seeking a recommendation from a reviewer
574 for grant funding may not have a substantial interest as set
575 forth in s. 120.569 in any of its requested recommendations.

576 (13) ~~(11)~~ The division may ~~shall~~ adopt rules to administer
577 and implement this section.

578 (14) Effective upon this act becoming a law, the secretary
579 shall request, and the council shall submit, an updated list of
580 activities and programs that comply with the requirements of
581 this section. After reviewing and making comments, the secretary
582 shall submit a recommended list to the Legislature for funding
583 consideration in the General Appropriations Act for fiscal year
584 2025-2026. This subsection expires July 1, 2026.

585 (15) The council and the secretary may provide a separate
586 list for activities and programs that support America250 and
587 celebrate the 250th anniversary of the signing of the
588 Declaration of Independence on July 4, 1776. This subsection
589 applies only if the date this act becomes law occurs before the
590 Legislature passes the General Appropriations Act for fiscal
591 year 2025-2026. This subsection expires July 4, 2026.

592 **Section 17. Subsections (3), (4), and (7) of section**
593 **265.2865, Florida Statutes, are amended to read:**

594 265.2865 Florida Artists Hall of Fame.—

595 (3) The Florida Council on Arts and Culture may ~~shall~~
596 accept nominations annually for persons to be recommended as
597 members of the Florida Artists Hall of Fame. The council may
598 ~~shall~~ recommend to the Secretary of State persons to be named as
599 members of the Florida Artists Hall of Fame. The council's
600 recommended ~~council shall recommend as~~ members to ~~of~~ the Florida

Artists Hall of Fame must be persons who were born in Florida or adopted Florida as their home state and base of operation and who have made a significant contribution to the enhancement of the arts in this state.

(4) The Secretary of State shall name no more than three ~~four~~ members to the Florida Artists Hall of Fame in any one nomination year.

(7) The Secretary of State may ~~shall~~ annually request an appropriation sufficient to carry out the purposes of this section.

Section 18. Subsections (1), (2), and (3) of section 265.701, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

265.701 Cultural facilities; grants for ~~acquisition,~~ renovation, or construction; funding; approval; allocation.—

(1) The Division of Arts and Culture may accept and administer moneys appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the ~~acquisition,~~ renovation, or construction of cultural facilities.

(2) A county, municipality, or qualified corporation may apply for a grant of state funds for the ~~acquisition,~~ renovation, or construction of a cultural facility. For the purposes of this section, a "qualified corporation" is a corporation which is designated a not-for-profit corporation

626 pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of
627 1954, and which is described in, and allowed to receive
628 contributions pursuant to the provisions of, s. 170 of the
629 Internal Revenue Code of 1954, and which is a corporation not
630 for profit incorporated pursuant to chapter 617. The state grant
631 must be matched by a contribution from the county, municipality,
632 or nonprofit corporation in an amount to be determined by the
633 Department of State.

634 (3) The Florida Council on Arts and Culture shall review
635 each application for a grant to ~~acquire~~, renovate, or construct
636 a cultural facility which is submitted pursuant to subsection
637 (2) and shall submit annually to the Secretary of State for
638 approval lists of all applications that are recommended by the
639 council for the award of grants, arranged in order of priority.
640 The secretary may review and provide comments to the Legislature
641 concerning the recommended applicants. Funds awarded under this
642 section must be expended in compliance with all federal, state,
643 and local laws and regulations and used only for activities and
644 programs that are not harmful to minors. The secretary shall
645 submit the recommended list to the Legislature for funding
646 consideration. For purposes of this subsection, the term
647 "harmful to minors" means any reproduction, imitation,
648 characterization, description, exhibition, presentation, or
649 representation, in any manner or form, depicting sexual conduct
650 or sexual excitement. The division may allocate grants only for

651 projects that are approved or for which funds are appropriated
652 by the Legislature. ~~Projects approved and recommended by the~~
653 ~~Secretary of State which are not funded by the Legislature shall~~
654 ~~be retained on the project list for the following grant cycle~~
655 ~~only. All projects that are retained shall be required to submit~~
656 ~~such information as may be required by the department as of the~~
657 ~~established deadline date of the latest grant cycle in order to~~
658 ~~adequately reflect the most current status of the project.~~

659 (6) Effective upon this act becoming a law, the secretary
660 shall request, and the council shall submit, an updated list of
661 projects that comply with the requirements of this section.
662 After reviewing and making comments, the secretary shall submit
663 the recommended list to the Legislature for funding
664 consideration in the General Appropriations Act for fiscal year
665 2025-2026. This subsection expires July 1, 2026.

666 (7) The council and the secretary may provide a separate
667 list for activities and programs that support America250 and
668 celebrate the 250th anniversary of the signing of the
669 Declaration of Independence on July 4, 1776. This subsection
670 applies only if the date this act becomes law occurs before the
671 Legislature passes the General Appropriations Act for fiscal
672 year 2025-2026. This subsection expires July 4, 2026.

673 **Section 19. Subsection (1) of section 265.703, Florida**
674 **Statutes, is amended to read:**

675 265.703 Citizen support organizations; use of state

administrative services and property; audit.—

(1) CITIZEN SUPPORT ORGANIZATIONS.—The division may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, ~~and~~ museum, and international and intergovernmental programs of the division. For the purposes of this section, a "citizen support organization" means an organization which is:

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

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

(c) Determined by the division to be consistent with the goals of the division and in the best interests of the state.

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

Section 20. Paragraph (a) of subsection (1) of section

701 **265.803, Florida Statutes, is amended to read:**

702 265.803 Florida Folklife Council.—

703 (1)(a) The Florida Folklife Council is created as a sub-
704 council within ~~part of~~ the Florida Council on Arts and Culture
705 created by s. 265.285 ~~Department of State~~, to consist of seven
706 members appointed by the Secretary of State from the membership
707 of the Florida Council on Arts and Culture. The Secretary of
708 State shall appoint each member for a 4-year term and shall
709 appoint a successor for each member within 90 days after the
710 expiration of the member's term. The Secretary of State shall
711 fill any vacancy for the remainder of the unexpired term within
712 90 days after the vacancy occurs. Members shall be appointed to
713 provide geographical, cultural, traditional ~~ethnic~~, and
714 professional representation on the council.

715 **Section 21. Paragraph (c) of subsection (6) of section**
716 **267.0612, Florida Statutes, is amended to read:**

717 267.0612 Florida Historical Commission; creation;
718 membership; powers and duties.—In order to enhance public
719 participation and involvement in the preservation and protection
720 of the state's historic and archaeological sites and properties,
721 there is created within the Department of State the "Florida
722 Historical Commission." The commission shall serve in an
723 advisory capacity to the director of the Division of Historical
724 Resources to assist the director in carrying out the purposes,
725 duties, and responsibilities of the division, as specified in

726 | this chapter.

727 | (6) It shall be the responsibility of the commission to
728 | provide assistance, advice, and recommendations to the division
729 | in:

730 | (c) Evaluating proposals for awards of special category
731 | historic preservation grants-in-aid administered by the
732 | division. Pursuant thereto, the commission shall review and
733 | evaluate proposals for special category grants and shall make
734 | recommendations, including a priority ranking, reflecting such
735 | evaluation. In making such evaluation and recommendations, the
736 | commission shall, at a minimum, consider the purpose, economic
737 | and other public benefit, location, compatibility with statewide
738 | historic preservation priorities, and cost of each proposal for
739 | special category grant assistance. Special category historic
740 | preservation grants-in-aid recommendations of the commission
741 | shall be reviewed by the Secretary of State as provided in s.
742 | 267.0617.

743 | **Section 22. Subsections (2) and (3) of section 267.0617,**
744 | **Florida Statutes, are amended to read:**

745 | 267.0617 Historic Preservation Grant Program.—

746 | (2) The division is authorized to conduct and carry out a
747 | program of historic preservation grants-in-aid, including
748 | matching grants, to any department or agency of the state; any
749 | unit of county, municipal, or other local government; any
750 | corporation, partnership, or other organization, whether public

751 or private or whether or not for profit; or any individual for
752 projects having as their purpose the identification,
753 acquisition, protection, preservation, rehabilitation,
754 restoration, or construction of historic sites and properties,
755 or Florida history, or the planning of such activities. Funds
756 appropriated from general revenue for the historic preservation
757 grants-in-aid program shall not be provided for a project owned
758 by private individuals or owned by for-profit corporations. ~~All~~
759 ~~moneys received from any source as appropriations, deposits, or~~
760 ~~contributions to this program shall be paid and credited to the~~
761 ~~Historical Resources Operating Trust Fund.~~

762 (3) All grants of state funds to assist in the
763 preservation of historic properties ~~shall be made from the~~
764 ~~Historical Resources Operating Trust Fund and~~ may be awarded
765 only pursuant to applications for such assistance made to the
766 Division of Historical Resources. The Florida Historical
767 Commission shall review each application for a special category
768 historic preservation grant-in-aid. ~~Special category historie~~
769 ~~preservation grants-in-aid are those reviewed and recommended by~~
770 ~~the Secretary of State for submission for legislative funding~~
771 ~~consideration.~~ Grant review panels appointed by the Secretary of
772 State and chaired by a member of the Florida Historical
773 Commission or a designee appointed by the commission's presiding
774 officer shall review each application for other historic
775 preservation grants-in-aid. Each ~~The~~ reviewing body shall submit

annually to the Secretary of State ~~for approval~~ lists of all
historic preservation grant-in-aid applications that are
recommended by the reviewing body for the award of grants,
arranged in order of priority. The Secretary of State may review
and provide comments to the Legislature concerning the
recommended applications. Funds awarded under this section must
be expended in compliance with all federal, state, and local
laws and regulations and used only for activities and programs
that are not harmful to minors. The Secretary shall submit the
recommended lists to the Legislature for funding consideration.
For purposes of this subsection, the term "harmful to minors"
means any reproduction, imitation, characterization,
description, exhibition, presentation, or representation, in any
manner or form, depicting sexual conduct or sexual excitement.

Section 23. Section 267.0722, Florida Statutes, is
repealed.

**Section 24. Section 267.075, Florida Statutes, is amended
to read:**

267.075 The Grove; management; stewardship ~~Advisory
Council; creation; membership; purposes.—~~

(1) The Call/Collins House, commonly known as "The Grove,"
located in Tallahassee, Leon County, shall be utilized as a
house museum of history for the educational benefit of the
citizens of this state. The utilization of The Grove as a museum
of history shall emphasize the lives and accomplishments of The

Grove's first owner, Richard Keith Call, Florida's last Territorial Governor, and LeRoy Collins, Florida's 33rd Governor, who, with his wife, Mary Call Darby Collins, were the last owners of The Grove. The faithful restoration and maintenance of The Grove undertaken by LeRoy Collins and Mary Call Darby Collins during the nearly six decades of Collins family ownership and stewardship which has preserved the original plan of construction and design of The Grove shall be continued as provided for in this section.

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

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

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

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

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

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

~~Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant of Mary Call Darby Collins.~~

~~(b) The council shall annually elect a chair from among the five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State. The chair shall serve for a term of 1 year. Meetings of the council shall be held at the call of the chair, at the~~

~~request of a majority of its membership, at the request of the Secretary of State, or at such times as may be prescribed by rules of the council. The council shall meet at least twice annually. A majority of the council shall constitute a quorum for the transaction of business.~~

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

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

~~(2)-(4)~~ (a) The Division of Historical Resources, ~~with the advice and assistance of the council,~~ shall maintain the structure, style, character, and landscaping of The Grove, its grounds, its private family cemetery, and all structures thereon consistent with the character, plan, and design of The Grove at the time the state takes physical possession of The Grove and its surrounding property from Mary Call Darby Collins. It shall

876 preserve and protect the antique furnishings and other articles
877 of furniture, fixtures, and decorative objects and articles used
878 or displayed in the premises.

879 (b) The Division of Historical Resources shall catalog and
880 maintain a descriptive, photographic inventory of the
881 furnishings, fixtures, and decorative objects and articles used
882 or displayed in the premises.

883 (c) The Division of Historical Resources may receive, on
884 behalf of the state, contributions, bequests, and gifts of
885 money, furniture, works of art, memorabilia, or other property
886 consistent with the use of The Grove as described in this
887 section. Title to all property which is received in this manner
888 shall vest in the state and shall be held in trust by the
889 Division of Historical Resources solely to further the purposes
890 of this section. No furniture, furnishings, fixtures, or
891 decorative objects acquired from the Collins family or any of
892 its members shall be used for any purpose except as a permanent
893 part of The Grove's furniture, furnishings, fixtures, or
894 decorative objects, and any such item not so utilized shall
895 forthwith revert to the Collins family member or members from
896 whom it was acquired. ~~No gifts, contributions, or bequests shall~~
897 ~~be accepted for The Grove without the advice and recommendation~~
898 ~~of the council.~~

899 **Section 25. Subsection (2) of section 267.21, Florida**
900 **Statutes, is amended to read:**

267.21 Historic Cemeteries Program.—

(2) (a) The Historic Cemeteries Program shall, subject to legislative appropriation, provide grants to the following entities:

1.~~(a)~~ Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

2.~~(b)~~ Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

(b) All grants of state funds to assist abandoned African-American cemeteries may be awarded only pursuant to applications for such assistance made to the division. The Florida Historic Cemeteries Program Advisory Council shall review each application for an abandoned African-American cemeteries grant made under this section. The council shall submit annually to the Secretary of State a list of all abandoned African-American cemeteries applications that it recommends for the award of grants, arranged in order of priority. The Secretary of State may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and

926 programs that are not harmful to minors. The Secretary of State
927 shall submit a recommended list to the Legislature for funding
928 consideration. For purposes of this paragraph, the term "harmful
929 to minors" means any reproduction, imitation, characterization,
930 description, exhibition, presentation, or representation, in any
931 manner or form, depicting sexual conduct or sexual excitement.

932 **Section 26. Subsections (1) and (2) of section 267.22,**
933 **Florida Statutes, are amended to read:**

934 267.22 Historic Cemeteries Program Advisory Council.—

935 (1) The Historic Cemeteries Program Advisory Council, an
936 advisory council as defined in s. 20.03(7), is created as a sub-
937 council within the Florida Historical Commission created by s.
938 267.0612 ~~division~~ and shall consist of at least five but no more
939 than nine members appointed by the Florida Historical Commission
940 ~~Secretary of State~~ after considering the recommendations of the
941 director of the division. The council must be composed of an
942 inclusive group of members who are regionally distributed and
943 representative of communities throughout this state and may
944 include members of the Florida Historical Commission. Members in
945 place on July 1, 2025, may serve for the remainder of their
946 respective terms. New appointments to the council may not be
947 made until the retirement, resignation, removal, or expiration
948 of the terms of the initial members results in fewer than five
949 members remaining. ~~Members shall serve 4-year terms; however,~~
950 ~~for the purpose of providing staggered terms, four of the~~

951 ~~appointees initially shall be appointed to 2-year terms and the~~
952 ~~remaining five shall be appointed to 4-year terms.~~ All new
953 ~~subsequent~~ appointments shall be for 2-year ~~4-year~~ terms.
954 Annually ~~As soon as practicable after July 1, 2023,~~ the council
955 shall ~~meet to~~ elect a chair from its membership. Except as
956 otherwise provided in this section, the council shall operate in
957 a manner consistent with s. 20.052.

958 (2) The council shall provide guidance and recommendations
959 to the division and the Florida Historical Commission regarding
960 the duties and responsibilities of the Historic Cemeteries
961 Program created under s. 267.21. The council must also evaluate
962 proposals for awards of abandoned African-American cemeteries
963 grants, as authorized by s. 267.21(2). Pursuant thereto, the
964 council must review and evaluate proposals for abandoned
965 African-American cemeteries grants and make recommendations to
966 the Secretary of State, including providing a priority ranking,
967 reflecting the evaluation. In making its evaluation and
968 recommendations, the council shall, at a minimum, consider the
969 purpose, public benefit, location, and cost of each proposal for
970 grant assistance. Abandoned African-American cemeteries grants
971 recommendations of the council shall be reviewed by the
972 Secretary of State in accordance with s. 267.21(2).

973 **Section 27.** This act shall take effect upon becoming a
974 law.