

BILL

ORIGINAL

YEAR

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 establishment  
5                   of the department; amending s. 117.01, F.S.; assigning  
6                   various duties of the Secretary of State relating to  
7                   notaries public to the department; revising the  
8                   application requirements for notaries public; requiring  
9                   notary public applicants to complete certain interactive  
10                  or classroom instruction; authorizing certain persons or  
11                  entities to offer courses for the required instruction;  
12                  providing appropriations; revising the allocation of funds  
13                  from the notary public surcharge; providing penalties for  
14                  applicants who submit applications containing certain  
15                  statements; deleting obsolete provisions relating to  
16                  notary bonds; conforming provisions; amending ss. 117.021,  
17                  117.05, 117.103, and 257.031, F.S.; deleting an obsolete  
18                  provision relating to notary public seals; conforming  
19                  provisions; amending s. 117.107, F.S.; prohibiting a  
20                  notary public from using a signature stamp except under  
21                  certain circumstances; providing penalties; specifying  
22                  that notary commissions are subject to suspension under  
23                  certain circumstances; amending s. 257.02, F.S.; renaming  
24                  the State Library Council and revising the council's  
25                  duties; amending s. 267.0612, F.S.; revising the duties of  
26                  the Florida Historical Commission; transferring to the  
27                  commission and revising provisions for the Official  
28                  Florida Historical Markers, the State Historical Marker

BILL

ORIGINAL

YEAR

29 | Program, and the Great Floridians Program to conform to  
 30 | the repeal by the act of provisions establishing the State  
 31 | Historical Marker Council and the Great Floridians  
 32 | Program; amending s. 267.075, F.S.; defining the term  
 33 | "division"; revising the duties of the department's  
 34 | Division of Historical Resources for management of The  
 35 | Grove historic property; deleting provisions establishing  
 36 | The Grove Advisory Council; authorizing the division to  
 37 | charge visitor fees, establish an endowment, and conduct  
 38 | fundraising activities; authorizing the division, or under  
 39 | certain circumstances a citizen support organization, to  
 40 | operate a museum store and provide visitor services and  
 41 | activities at The Grove; providing for use of the net  
 42 | proceeds from the museum store and the visitor services  
 43 | and activities; amending s. 267.16, F.S.; requiring the  
 44 | division to make folklife apprenticeship programs  
 45 | available throughout the state; amending s. 267.161, F.S.;  
 46 | transferring folklife apprenticeship programs to the  
 47 | Florida Folklife Council to conform to the act's  
 48 | abolishment of the Florida Folklife Apprenticeship  
 49 | Advisory Council; amending s. 668.50, F.S.; deleting  
 50 | requirements for certain interactive or classroom  
 51 | instruction for notaries public, to conform; amending s.  
 52 | 872.05, F.S.; excluding certain portions of human remains  
 53 | from the definition of the term "unmarked human burial"  
 54 | for purposes of the duties of the State Archaeologist and  
 55 | district medical examiners; abolishing the Florida Library  
 56 | Network Council and the Florida Folklife Apprenticeship

BILL

ORIGINAL

YEAR

57 | Advisory Council; repealing ss. 267.0731 and 267.0743,  
 58 | F.S., relating to the Great Floridians Program and the  
 59 | State Historical Marker Council, respectively; providing  
 60 | an effective date.

61 |  
 62 | Be It Enacted by the Legislature of the State of Florida:

63 |  
 64 | Section 1. Section 20.10, Florida Statutes, is reenacted  
 65 | to read:

66 | 20.10 Department of State.—There is created a Department  
 67 | of State.

68 | (1) The head of the Department of State is the Secretary  
 69 | of State. The Secretary of State shall be appointed by the  
 70 | Governor, subject to confirmation by the Senate, and shall serve  
 71 | at the pleasure of the Governor. The Secretary of State shall  
 72 | perform the functions conferred by the State Constitution upon  
 73 | the custodian of state records.

74 | (2) The following divisions of the Department of State are  
 75 | established:

- 76 | (a) Division of Elections.
- 77 | (b) Division of Historical Resources.
- 78 | (c) Division of Corporations.
- 79 | (d) Division of Library and Information Services.
- 80 | (e) Division of Cultural Affairs.
- 81 | (f) Division of Administration.

82 | (3) The Department of State may adopt rules pursuant to  
 83 | ss. 120.536(1) and 120.54 to administer the provisions of law  
 84 | conferring duties upon the department.

BILL

ORIGINAL

YEAR

85 Section 2. Section 117.01, Florida Statutes, is amended to  
86 read:

87 117.01 Appointment, application, suspension, ~~revocation,~~  
88 application fee, bond, and oath.—

89 (1) The Governor may appoint as many notaries public as he  
90 or she deems necessary, each of whom shall be at least 18 years  
91 of age and a legal resident of the state. A permanent resident  
92 alien may apply and be appointed and shall file with his or her  
93 application a recorded declaration of domicile. The residence  
94 required for appointment must be maintained throughout the term  
95 of appointment.

96 (2) An applicant for initial appointment or renewal of a  
97 notary commission must submit proof that he or she has, within 1  
98 year before application for such appointment or reappointment,  
99 completed at least 3 hours of interactive or classroom  
100 instruction, including electronic notarization, covering the  
101 duties of the notary public. Courses satisfying this subsection  
102 may be offered by any public or private sector person or entity  
103 registered with the Department of State and must include a core  
104 curriculum approved by the department.

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

109 (4) (a) ~~(2)~~ The application for appointment must ~~shall~~ be  
110 signed and sworn to or affirmed by the applicant, submitted to  
111 the Department of State, and ~~shall be~~ accompanied by a fee of  
112 \$25, together with the \$10 commission fee required by s. 113.01,

BILL

ORIGINAL

YEAR

113 and a surcharge of \$4. Of the surcharge, \$3 ~~which \$4~~ is  
 114 appropriated to the Executive Office of the Governor for  
 115 purposes of issuing notary commissions and processing  
 116 suspensions, and the remaining \$1 is appropriated to the  
 117 Department of State for purposes of processing notary  
 118 applications, educating ~~be used to educate~~ and assisting assist  
 119 notaries public, and investigating complaints against notaries  
 120 public. The Department of State ~~Executive Office of the Governor~~  
 121 may contract with private vendors to provide the services set  
 122 forth in this section. However, a ~~no~~ commission fee is not ~~shall~~  
 123 ~~be~~ required for the issuance of a commission as a notary public  
 124 to a veteran who served during a period of wartime service, as  
 125 defined in s. 1.01(14), and who has been rated by the United  
 126 States Government or the United States Department of Veterans  
 127 Affairs or its predecessor to have a disability rating of 50  
 128 percent or more; such a disability is subject to verification by  
 129 the Department Secretary of State, which ~~who~~ has authority to  
 130 adopt reasonable procedures to implement this chapter ~~act~~.

131 (b) An application must be accompanied by the oath of  
 132 office and the notary bond required by this section. An ~~shall~~  
 133 ~~also accompany the application~~ must ~~and shall~~ be submitted in  
 134 the format ~~a form~~ prescribed by the Department of State and must  
 135 include, at a minimum ~~which shall require, but not be limited~~  
 136 ~~to,~~ the following information:

137 1. The applicant's legal full name and, if the applicant  
 138 seeks a notary commission using a nickname or an assumed name by  
 139 which the applicant is known, the applicant's name exactly as it  
 140 is to appear on the notary commission.

BILL

ORIGINAL

YEAR

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

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

144           4. The applicant's date of birth, ethnicity, race, gender,  
 145 and citizenship status. ~~sex,~~

146           5. The applicant's social security number.~~7~~ ~~citizenship~~  
 147 ~~status,~~

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

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

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

158           9. A statement as to whether ~~or not~~ the applicant has been  
 159 convicted or found guilty of, regardless of adjudication, or has  
 160 entered a plea of guilty or nolo contendere to, a felony, and,  
 161 if convicted ~~there has been a conviction,~~ a statement of the  
 162 nature of the felony and restoration of civil rights. ~~The~~  
 163 ~~applicant may not use a fictitious or assumed name other than a~~  
 164 ~~nickname on an application for commission.~~

165           (c) The application shall be maintained by the Department  
 166 of State for the full term of a notary commission. A notary  
 167 public shall notify, in writing, the Department of State of any  
 168 change in his or her business address or, ~~home~~ telephone number,

BILL

ORIGINAL

YEAR

169 residence address or business telephone number, ~~home address~~, or  
 170 criminal history record within 60 days after such change.

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

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

179 (5)~~(3)~~ As part of the oath, the applicant must swear or  
 180 affirm that he or she has read this chapter and knows the  
 181 duties, responsibilities, limitations, and powers of a notary  
 182 public.

183 (6)~~(4)~~ The Governor may suspend a notary public for any of  
 184 the grounds provided in s. 7, Art. IV of the State Constitution.  
 185 Grounds constituting malfeasance, misfeasance, or neglect of  
 186 duty include, but are not limited to, the following:

- 187 (a) A material false statement on the application.
- 188 (b) A complaint found to have merit by the Governor.
- 189 (c) Failure to cooperate with or respond to an  
 190 investigation by the Executive Office of the Governor ~~Governor's~~  
 191 ~~office~~ or the Department of State regarding a complaint.
- 192 (d) Official misconduct as defined in s. 838.022.
- 193 (e) False or misleading advertising relating to notary  
 194 public services.
- 195 (f) Unauthorized practice of law.

BILL

ORIGINAL

YEAR

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

200 (h) Commission of fraud, misrepresentation, or any  
 201 intentional violation of this chapter.

202 (i) Charging fees in excess of fees authorized by this  
 203 chapter.

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

205 ~~(7)-(5)~~(a) If a notary public receives notice from the  
 206 Department of State that his or her commission is suspended  
 207 ~~office has been declared vacant~~, the notary public shall  
 208 forthwith mail or deliver ~~to the Secretary of State~~ his or her  
 209 notary commission to the Department of State.

210 (b) A notary public who wishes to resign his or her  
 211 commission, or a notary public who does not maintain legal  
 212 residence in this state during the entire term of appointment,  
 213 or a notary public whose resignation is required by the  
 214 Governor, shall send a signed letter of resignation to the  
 215 Governor and shall return his or her certificate of notary  
 216 public commission. The resigning notary public shall destroy his  
 217 or her official notary public seal of office, unless the  
 218 Governor requests its return.

219 ~~(8)-(6)~~ A ~~No~~ person may not ~~be~~ automatically be reappointed  
 220 as a notary public. The application process must be completed  
 221 ~~regardless of~~ whether an applicant is requesting his or her  
 222 initial ~~first~~ notary commission, a renewal of a commission, or  
 223 any subsequent commission.



BILL

ORIGINAL

YEAR

224            (9)~~(7)~~ (a) A notary public shall, before ~~prior to~~ executing  
 225 the duties of the office and throughout the term of appointment  
 226 ~~office~~, give bond, payable to any individual harmed as a result  
 227 of a breach of duty by the notary public acting in his or her  
 228 official capacity, in the amount of \$7,500, conditioned on ~~for~~  
 229 the due discharge of the office and shall take an oath that he  
 230 or she will honestly, diligently, and faithfully discharge the  
 231 duties of the notary public. The bond shall be approved and  
 232 filed with the Department of State and executed by a surety  
 233 company for hire duly authorized to transact business in this  
 234 state.

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

239            (b)~~(c)~~ ~~Beginning July 1, 1996,~~ Surety companies for hire  
 240 which process notary public applications, oaths, affidavits of  
 241 character, or ~~and~~ bonds for submission to the Department of  
 242 State must properly submit these documents in a software and  
 243 hard copy format approved by the department ~~of State~~.

244            (10)~~(8)~~ Upon payment to any individual harmed as a result  
 245 of a breach of duty by the notary public, the entity who has  
 246 issued the bond for the notary public shall notify the Governor  
 247 of the payment and the circumstances which led to the claim.

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

250            117.021 Electronic notarization.—

BILL

ORIGINAL

YEAR

251 (4) Failure of a notary public to comply with any of the  
 252 requirements of this section may constitute grounds for  
 253 suspension of the notary public's commission by the ~~Executive~~  
 254 ~~Office of the~~ Governor.

255 Section 4. Subsections (1), (3), and (9) of section  
 256 117.05, Florida Statutes, are amended to read:

257 117.05 Use of notary commission; unlawful use; notary fee;  
 258 seal; duties; employer liability; name change; advertising;  
 259 photocopies; penalties.—

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

268 (3) (a) A notary public seal shall be affixed to all  
 269 notarized paper documents and shall be of the rubber stamp type  
 270 and shall include the words "Notary Public-State of Florida."  
 271 The seal shall also include the name of the notary public, the  
 272 date of expiration of the commission of the notary public, and  
 273 the commission number. The rubber stamp seal must be affixed to  
 274 the notarized paper document in photographically reproducible  
 275 black ink. Every notary public shall print, type, or stamp below  
 276 his or her signature on a paper document his or her name exactly  
 277 as commissioned. An impression-type seal may be used in addition  
 278 to the rubber stamp seal, but the rubber stamp seal shall be the

BILL

ORIGINAL

YEAR

279 official seal for use on a paper document, and the impression-  
 280 type seal may not be substituted therefor.

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

285 (b) ~~(e)~~ The notary public official seal and the certificate  
 286 of notary public commission are the exclusive property of the  
 287 notary public and must be kept under the direct and exclusive  
 288 control of the notary public. The seal and certificate of  
 289 commission must not be surrendered to an employer upon  
 290 termination of employment, regardless of whether the employer  
 291 paid for the seal or for the commission.

292 (c) ~~(d)~~ A notary public whose official seal is lost,  
 293 stolen, or believed to be in the possession of another person  
 294 shall immediately notify the Department of State ~~or the Governor~~  
 295 in writing.

296 (d) ~~(e)~~ Any person who unlawfully possesses a notary public  
 297 official seal or any papers or copies relating to notarial acts  
 298 is guilty of a misdemeanor of the second degree, punishable as  
 299 provided in s. 775.082 or s. 775.083.

300 (9) Any notary public who lawfully changes his or her name  
 301 shall, within 60 days after such change, request an amended  
 302 commission from the Department ~~Secretary~~ of State and shall send  
 303 \$25, his or her current commission, and a notice of change form,  
 304 obtained from the department ~~Secretary of State~~, which shall  
 305 include the new name and contain a specimen of his or her  
 306 official signature. The Department ~~Secretary~~ of State shall

BILL

ORIGINAL

YEAR

307 | issue an amended commission to the notary public in the new  
 308 | name. A rider to the notary public's bond must accompany the  
 309 | notice of change form. After submitting the required notice of  
 310 | change form and rider to the Department ~~Secretary~~ of State, the  
 311 | notary public may continue to perform notarial acts in his or  
 312 | her former name for 60 days or until receipt of the amended  
 313 | commission, whichever date is earlier.

314 |       Section 5. Section 117.103, Florida Statutes, is amended  
 315 | to read:

316 |       117.103 Certification of notary's authority by Department  
 317 | ~~Secretary~~ of State.—A notary public is not required to record  
 318 | his or her notary public commission in an office of a clerk of  
 319 | the circuit court. If certification of the notary public's  
 320 | commission is required, it must be obtained from the Department  
 321 | ~~Secretary~~ of State. Upon ~~the~~ receipt of a written request and a  
 322 | fee of \$10 payable to the Department ~~Secretary~~ of State, the  
 323 | department ~~Secretary of State~~ shall issue a certificate of  
 324 | notarial authority, in a form prescribed by the department  
 325 | ~~Secretary of State~~, which shall include a statement explaining  
 326 | the legal qualifications and authority of a notary public in  
 327 | this state.

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

330 |       117.107 Prohibited acts.—

331 |       (2) A notary public may not sign notarial certificates  
 332 | using a ~~facsimile~~ signature stamp unless the notary public has a  
 333 | physical disability that limits or prohibits his or her ability  
 334 | to make a written signature and unless the notary public has

BILL

ORIGINAL

YEAR

335 first submitted written notice to the Department of State with  
 336 an exemplar of the ~~facsimile~~ signature stamp.

337 (9) A notary public may not notarize a signature on a  
 338 document if the person whose signature ~~is~~ being notarized is not  
 339 in the presence of the notary public at the time the signature  
 340 is notarized. Any notary public who violates this subsection is  
 341 guilty of a civil infraction, punishable by penalty not  
 342 exceeding \$5,000, and such violation constitutes malfeasance and  
 343 misfeasance in the conduct of official duties. It is not a ~~no~~  
 344 defense to the civil infraction specified in this subsection  
 345 that the notary public acted without intent to defraud. A notary  
 346 public who violates this subsection with the intent to defraud  
 347 violates is guilty of violating s. 117.105 and is subject to  
 348 suspension of his or her notary commission pursuant to s.  
 349 117.01(6).

350 Section 7. Subsections (1) and (4) of section 257.02,  
 351 Florida Statutes, are amended to read:

352 257.02 ~~State~~ Library Information Services Council.—

353 (1) There shall be a ~~State~~ Library Information Services  
 354 Council to advise and assist the Division of Library and  
 355 Information Services and the State Library on their ~~its~~ programs  
 356 and activities and on the development of policies for the  
 357 statewide networking of library information services. The  
 358 council shall consist of nine members who shall be appointed by  
 359 the Secretary of State. Of the nine members, at least one member  
 360 must represent a Florida library professional association, at  
 361 least one member must represent a Florida archive professional  
 362 association, at least one member must represent a Florida

BILL

ORIGINAL

YEAR

363 records management professional association, and at least one  
 364 member must be a person who is not, and has never been, employed  
 365 in a library or in teaching library science courses. Members  
 366 shall be appointed for 4-year terms. A vacancy on the council  
 367 shall be filled for the period of the unexpired term. A ~~No~~  
 368 person may not be appointed to serve more than two consecutive  
 369 terms as a member of the council. The Secretary of State may  
 370 remove from office any council member for malfeasance,  
 371 misfeasance, neglect of duty, incompetence, permanent inability  
 372 to perform official duties, or pleading guilty or nolo  
 373 contendere to, or being found guilty of, a felony.

374 (4) The officers of the ~~State~~ Library Information Services  
 375 Council shall be a chair, elected from the members thereof, and  
 376 the State Librarian, who shall serve without voting rights as  
 377 secretary of the council.

378 Section 8. Section 257.031, Florida Statutes, is amended  
 379 to read:

380 257.031 State Librarian; appointment and duties.—

381 (1) The State Librarian shall be appointed by the  
 382 Secretary of State, shall have completed a library school  
 383 program accredited by the American Library Association, and  
 384 shall serve as the director of the Division of Library and  
 385 Information Services of the Department of State. The Secretary  
 386 of State may, in making the appointment of State Librarian,  
 387 consult the members of the ~~State~~ Library Information Services  
 388 Council.

389 (2) The State Librarian shall:

390 (a) Keep a record of the proceedings of the ~~State~~ Library

BILL ORIGINAL YEAR

391 Information Services Council;

392 (b) Keep an accurate account of the financial transactions

393 of the division;

394 (c) Have charge of the work of the division in organizing

395 new libraries and improving those already established;

396 (d) In general, perform such duties as may, from time to

397 time, be assigned to him or her by the Secretary of State; and

398 (e) Manage operations of the programs assigned by law to

399 the division.

400 Section 9. Paragraph (g) is added to subsection (6) of

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

402 to that section, to read:

403 267.0612 Florida Historical Commission; creation;

404 membership; powers and duties; Great Floridians Program.—In

405 order to enhance public participation and involvement in the

406 preservation and protection of the state's historic and

407 archaeological sites and properties, there is created within the

408 Department of State the "Florida Historical Commission." The

409 commission shall serve in an advisory capacity to the director

410 of the Division of Historical Resources to assist the director

411 in carrying out the purposes, duties, and responsibilities of

412 the division, as specified in this chapter.

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

414 provide assistance, advice, and recommendations to the division

415 in:

416 (g) Evaluating proposals for Official Florida Historical

417 Markers and identifying goals for the State Historical Marker

418 Program. The evaluation process must seek to establish the

BILL

ORIGINAL

YEAR

419 significance of the subject proposed for a marker. However, the  
 420 proposal and evaluation process must not, due to the complexity  
 421 or burdens of the process, preclude private citizens from  
 422 directly submitting proposals without professional assistance.

423 (9) (a) The division shall establish and administer the  
 424 Great Floridians Program to recognize and record the  
 425 achievements of Floridians who have made major contributions to  
 426 the progress and welfare of the nation or the state and its  
 427 citizens. Living and deceased persons are eligible for  
 428 recognition, although a person whose contributions are achieved  
 429 through elected or appointed public service is not eligible for  
 430 recognition while holding such office.

431 (b) The commission shall annually nominate at least two  
 432 persons with the recommendation that they be honored with the  
 433 designation "Great Floridian." The nominations shall be  
 434 submitted to the Secretary of State, who shall select from those  
 435 nominations at least two persons to be honored.

436 (c) To enhance public participation and involvement in the  
 437 identification of any person worthy of nomination as a Great  
 438 Floridian, the division shall seek advice and assistance from  
 439 persons qualified through the demonstration of special interest,  
 440 experience, or education in the dissemination of knowledge about  
 441 the state's history.

442 (d) Upon the designation of a person as a Great Floridian  
 443 by the Secretary of State, the division shall undertake  
 444 appropriate activities intended to achieve wide public knowledge  
 445 of the person designated.



BILL

ORIGINAL

YEAR

446 (e)1. The division may seek to initiate production of a  
 447 film, video, or digital media production depicting the life and  
 448 contributions of the designee to the state and nation. The  
 449 Department of State shall be the repository of the original  
 450 film, video, or digital media produced under this paragraph. The  
 451 division may exercise the right of trademark over the terms  
 452 "Great Floridian" and "Great Floridians" pursuant to s. 286.031.

453 2. The division shall arrange for the distribution of all  
 454 film, video, or digital media productions to the general public,  
 455 public television stations, educational institutions, and others  
 456 and may establish a reasonable charge to recover the costs  
 457 associated with production and to provide a source of revenue to  
 458 assist with reproduction, marketing, and distribution of Great  
 459 Floridians film, video, and digital media. Proceeds from such  
 460 charges shall be deposited into the Historical Resources  
 461 Operating Trust Fund.

462 (f) Deceased persons designated as Great Floridians  
 463 typically shall be recognized by markers affixed to properties  
 464 significantly associated with the major contributions of the  
 465 designee. Such markers shall be erected pursuant to s. 267.074.

466 Section 10. Section 267.075, Florida Statutes, is amended  
 467 to read:

468 267.075 Management of The Grove ~~Advisory Council;~~  
 469 ~~creation; membership; purposes.~~

470 (1) As used in this section, the term "division" means the  
 471 Division of Historical Resources of the Department of State.

472 (2) ~~(1)~~ The Call/Collins House, commonly known as "The  
 473 Grove," located in Tallahassee, Leon County, shall be utilized

BILL

ORIGINAL

YEAR

474 as a house museum of history for the educational benefit of the  
 475 citizens of this state. The utilization of The Grove as a museum  
 476 of history shall emphasize the lives and accomplishments of The  
 477 Grove's first owner, Richard Keith Call, Florida's last  
 478 Territorial Governor, and LeRoy Collins, Florida's 33rd  
 479 Governor, who, with his wife, Mary Call Darby Collins, were the  
 480 last owners of The Grove. The faithful restoration and  
 481 maintenance of The Grove undertaken by LeRoy Collins and Mary  
 482 Call Darby Collins during the nearly six decades of Collins  
 483 family ownership and stewardship which has preserved the  
 484 original plan of construction and design of The Grove shall be  
 485 continued as provided for in this section.

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

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

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

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

BILL

ORIGINAL

YEAR

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

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

508  
 509 ~~Of the citizen members, at least one member shall have~~  
 510 ~~professional curatorial and museum expertise, one member shall~~  
 511 ~~have professional architectural expertise in the preservation of~~  
 512 ~~historic buildings, and one member shall have professional~~  
 513 ~~landscape expertise. The five citizen members of the council~~  
 514 ~~appointed by the Secretary of State and the member of the~~  
 515 ~~council who is a direct descendant of Mary Call Darby Collins~~  
 516 ~~appointed by the Secretary of State shall be appointed for~~  
 517 ~~staggered 4-year terms. The Secretary of State shall fill the~~  
 518 ~~remainder of unexpired terms for the five citizen members of the~~  
 519 ~~council and the member of the council who is a direct descendant~~  
 520 ~~of Mary Call Darby Collins.~~

521 ~~(b) The council shall annually elect a chair from among~~  
 522 ~~the five citizen members of the council appointed by the~~  
 523 ~~Secretary of State and the member of the council who is a direct~~  
 524 ~~descendant of Mary Call Darby Collins appointed by the Secretary~~  
 525 ~~of State. The chair shall serve for a term of 1 year. Meetings~~  
 526 ~~of the council shall be held at the call of the chair, at the~~  
 527 ~~request of a majority of its membership, at the request of the~~  
 528 ~~Secretary of State, or at such times as may be prescribed by~~  
 529 ~~rules of the council. The council shall meet at least twice~~

BILL ORIGINAL YEAR

530 ~~annually. A majority of the council shall constitute a quorum~~  
 531 ~~for the transaction of business.~~

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

537 ~~(d) Members of the council shall serve without~~  
 538 ~~compensation or honorarium but shall be entitled to receive~~  
 539 ~~reimbursement for per diem and travel expenses as provided in s.~~  
 540 ~~112.061. All expenses of the council shall be paid from~~  
 541 ~~appropriations to be made by the Legislature to the Department~~  
 542 ~~of State. All vouchers shall be approved by the Division of~~  
 543 ~~Historical Resources before being submitted to the Chief~~  
 544 ~~Financial Officer for payment.~~

545 (3)-(4) (a) ~~The division of Historical Resources, with the~~  
 546 ~~advice and assistance of the council,~~ shall maintain the  
 547 structure, style, character, and landscaping of The Grove, its  
 548 grounds, its private family cemetery, and all structures thereon  
 549 consistent with the character, plan, and design of The Grove at  
 550 the time the state takes physical possession of The Grove and  
 551 its surrounding property from Mary Call Darby Collins. The  
 552 division ~~It~~ shall, according to professionally accepted  
 553 standards, care for and maintain The Grove's physical structure,  
 554 control the climate within the structure, and preserve and  
 555 protect the antique furnishings and other articles of furniture,  
 556 fixtures, and decorative objects and articles used or displayed  
 557 in the premises, whether owned by or loaned to the division.

BILL

ORIGINAL

YEAR

558 (b) The division ~~of Historical Resources~~ shall catalog and  
 559 maintain a descriptive, photographic inventory of the  
 560 furnishings, fixtures, and decorative objects and articles used  
 561 or displayed in the premises.

562 (c) The division ~~of Historical Resources~~ may receive, on  
 563 behalf of the state, contributions, bequests, and gifts of  
 564 money, furniture, works of art, memorabilia, or other property  
 565 consistent with the use of The Grove as described in this  
 566 section. Title to all property which is received in this manner  
 567 shall vest in the state and shall be held in trust by the  
 568 division ~~of Historical Resources~~ solely to further the purposes  
 569 of this section. Any ~~No~~ furniture, furnishings, fixtures, or  
 570 decorative objects associated with The Grove and acquired for  
 571 use at The Grove from the Collins family or any of its members  
 572 may not shall be used for any purpose except as a permanent part  
 573 of The Grove's furniture, furnishings, fixtures, or decorative  
 574 objects, ~~and any such item not so utilized shall forthwith~~  
 575 ~~revert to the Collins family member or members from whom it was~~  
 576 ~~acquired. No gifts, contributions, or bequests shall be accepted~~  
 577 ~~for The Grove without the advice and recommendation of the~~  
 578 ~~council.~~ The division shall manage The Grove in accordance with  
 579 rules adopted by the division for that purpose.

580 (d) The division may operate a museum store and provide  
 581 other visitor services and activities related to The Grove,  
 582 charge fees for visitation and such other services and  
 583 activities, establish an endowment for the benefit of The Grove,  
 584 and conduct related fundraising activities ~~of Historical~~  
 585 ~~Resources shall adopt rules governing the maintenance and use of~~

BILL ORIGINAL YEAR

586 ~~The Grove; the selection, acquisition, and disposition of~~  
 587 ~~furnishings and decorations for the premises; and the acceptance~~  
 588 ~~of gifts, contributions, bequests, or loans of property.~~

589 (e) The division may support the establishment and  
 590 operation of a citizen support organization pursuant to s.  
 591 267.17 for the promotion and support of The Grove. Such citizen  
 592 support organization, with the division's consent, may operate  
 593 the museum store and provide the visitor services and activities  
 594 authorized at The Grove. The net proceeds from operation of the  
 595 museum store and the visitor services and activities may only be  
 596 used to support The Grove.

597 Section 11. Subsection (1) of section 267.16, Florida  
 598 Statutes, is amended to read:

599 267.16 Florida Folklife Programs.—It is the duty and  
 600 responsibility of the division to:

601 (1) Identify, research, interpret, and present Florida  
 602 folk arts, artists, performers, folklore, traditions, customs,  
 603 and cultural heritage and make folk cultural resources, and  
 604 folklife projects, and folklife apprenticeship programs  
 605 available throughout the state. The division shall compile,  
 606 edit, publish, and print directories, books, articles,  
 607 pamphlets, and other folklife materials to disseminate  
 608 information about folk cultural resources. The division may  
 609 sponsor conferences, workshops, festivals, lectures, and  
 610 exhibitions on Florida folklife and promote the folk cultural  
 611 resources of the state.

612 Section 12. Paragraph (d) is added to subsection (2) of  
 613 section 267.161, Florida Statutes, to read:

BILL ORIGINAL YEAR

614 267.161 Florida Folklife Council.—

615 (2) The council shall:

616 (d) Provide assistance, advice, and recommendations to the  
 617 division in evaluating grant applications for folklife  
 618 apprenticeship programs pursuant to s. 267.16.

619 Section 13. Subsection (11) of section 668.50, Florida  
 620 Statutes, is amended to read:

621 668.50 Uniform Electronic Transaction Act.—

622 (11) NOTARIZATION AND ACKNOWLEDGMENT.—

623 ~~(a)~~ If a law requires a signature or record to be  
 624 notarized, acknowledged, verified, or made under oath, the  
 625 requirement is satisfied if the electronic signature of the  
 626 person authorized by applicable law to perform those acts,  
 627 together with all other information required to be included by  
 628 other applicable law, is attached to or logically associated  
 629 with the signature or record. Neither a rubber stamp nor an  
 630 impression type seal is required for an electronic notarization.

631 ~~(b) A first-time applicant for a notary commission must~~  
 632 ~~submit proof that the applicant has, within 1 year prior to the~~  
 633 ~~application, completed at least 3 hours of interactive or~~  
 634 ~~classroom instruction, including electronic notarization, and~~  
 635 ~~covering the duties of the notary public. Courses satisfying~~  
 636 ~~this section may be offered by any public or private sector~~  
 637 ~~person or entity registered with the Executive Office of the~~  
 638 ~~Governor and must include a core curriculum approved by that~~  
 639 ~~office.~~

640 Section 14. Subsection (2) of section 872.05, Florida  
 641 Statutes, is amended to read:

BILL

ORIGINAL

YEAR

642 872.05 Unmarked human burials.—  
 643 (2) DEFINITIONS.—As used in this section, the term:  
 644 (a) "Archaeologist" means a person who is registered by  
 645 the Society of Professional Archaeologists with an emphasis in  
 646 field research or who, in the judgment of the State  
 647 Archaeologist, meets the training and experience requirements  
 648 necessary for such registration.  
 649 (b) "District medical examiner" means a person appointed  
 650 under s. 406.06, s. 406.15, or s. 406.17.  
 651 (c) "Division" means the Division of Historical Resources  
 652 of the Department of State.  
 653 (d) "Human skeletal analyst" means a person who possesses  
 654 a postgraduate degree in human skeletal biology, human forensic  
 655 osteology, or other related area of physical anthropology and  
 656 who has a minimum of 1 year of laboratory experience in human  
 657 skeletal analysis and reconstruction.  
 658 (e) "State Archaeologist" means the person employed by the  
 659 division pursuant to s. 267.031(7).  
 660 (f) "Unmarked human burial" means any human skeletal  
 661 remains or associated burial artifacts or any location,  
 662 including any burial mound or earthen or shell monument, where  
 663 human skeletal remains or associated burial artifacts are  
 664 discovered or believed to exist on the basis of archaeological  
 665 or historical evidence. The term does not include those portions  
 666 of human remains that are shed naturally by living persons,  
 667 including, but not limited to, hair and teeth. The term also  
 668 does not include, ~~excluding~~ any burial marked or previously  
 669 marked by a tomb, monument, gravestone, or other structure or



BILL

ORIGINAL

YEAR

670 | thing placed or designed as a memorial of the dead.

671 |       Section 15. The Florida Library Network Council and the  
672 | Florida Folklife Apprenticeship Advisory Council within the  
673 | Department of State are abolished.

674 |       Section 16. Sections 267.0731 and 267.0743, Florida  
675 | Statutes, are repealed.

676 |       Section 17. This act shall take effect July 1, 2010.