

House Bill No. 7031

An act relating to the Department of State; amending s. 101.56062, F.S.; prescribing methods of satisfying required functionalities with respect to audio ballot systems; amending s. 265.285, F.S.; clarifying terms of appointment to the Florida Arts Council; removing obsolete language; amending s. 265.606, F.S.; deleting a requirement for local sponsoring organizations to submit an annual postaudit to the Division of Cultural Affairs under certain circumstances; amending s. 267.174, F.S.; changing the dates for the first meeting of the Discovery of Florida Quincentennial Commemoration Commission, the completion of the initial draft of a specified master plan, and the submission of the completed master plan; amending s. 272.129, F.S.; transferring responsibility for the Florida Historic Capitol from the Department of State to the Legislature; providing for allocation of certain space for preservation, museum, and cultural programs of the Legislature; requiring the maintenance of the Florida Historic Capitol pursuant to certain historic preservation standards and guidelines; removing responsibility of the Department of Management Services for security of the Historic Capitol and adjacent grounds; amending s. 272.135, F.S.; requiring the Capitol Curator to be appointed by the President of the Senate and the Speaker of the House of Representatives; deleting rulemaking authority of the Department of State to conform; amending s. 607.193, F.S.; correcting references to repealed sections of Florida Statutes within provisions relating to the annual supplemental corporate fee imposed on each business entity authorized to transact business in this state; amending s. 257.05, F.S.; requiring that each state official, agency, board, and court provide to the Division of Library and Information Services of the Department of State an annual list of public documents issued by the official, agency, board, or court; amending s. 283.31, F.S.; defining the term "publication" for purposes of a requirement that an executive agency maintain records of certain publication costs; amending s. 283.55, F.S.; revising the form used by each state agency for the purpose of purging publication mailing lists; providing an effective date.

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

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

101.56062 Standards for accessible voting systems.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

265.285 Florida Arts Council; membership, duties.—

(1)(a) The Florida Arts Council is created in the department as an advisory body, as defined in s. 20.03(7), to consist of 15 members. Seven members shall be appointed by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The appointments, to be made in consultation with the Secretary of State, shall recognize the need for geographical representation. Council members appointed by the Governor shall be appointed for 4-year terms beginning on January 1 of the year of appointment. Council members appointed by the President of the Senate and the Speaker of the House of Representatives shall be appointed for 2-year terms beginning on January 1 of the year of appointment. ~~Council members serving on July 1, 2002, may serve the remainder of their respective terms. New appointments to the council shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than 15 members remaining. As vacancies occur, the first appointment to the council shall be made by the Governor. The President of the Senate, the Speaker of the House of Representatives, and the Governor, respectively, shall then alternate appointments until the council is composed as required herein. A~~ No member of the council who serves two 4-year terms or two 2-year terms ~~is not~~ will be eligible for reappointment for 1 year during a 1-year period following the expiration of the member's second term. A member whose term has expired shall continue to serve on the council until such time as a replacement is appointed. Any vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as for the original appointment. Members should have a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theatre, dance, folk arts, music, architecture, photography, and literature. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts.

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

265.606 Cultural Endowment Program; administration; qualifying criteria; matching fund program levels; distribution.—

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

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

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

~~(e) Any contract administered under this section shall require the local sponsoring organization to submit to the division an annual postaudit of its financial accounts conducted by an independent certified public accountant.~~

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

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

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

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

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

267.174 Discovery of Florida Quincentennial Commemoration Commission.—

(5) OFFICERS; BYLAWS; MEETINGS.—

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

(7) DUTIES; MASTER PLAN.—

(c) The commission shall establish a timetable and budget for completion for all parts of the master plan which shall be made a part of the plan. An initial draft of the plan shall be completed and submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State by May 2009 ~~January 2008~~ with the completed master plan submitted to such officials by May 2010 ~~January 2009~~.

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

272.129 Florida Historic Capitol; space allocation; maintenance, repair, and security.—

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

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

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

(2) The Florida Historic Capitol shall be maintained in accordance with good historic preservation practices as specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

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

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

272.135 Florida Historic Capitol Curator.—

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

(2) The Capitol Curator shall:

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

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

(c) Develop, direct, supervise, and maintain the interior design and furnishings of all space within the Florida Historic Capitol in a manner consistent with the restoration of the Florida Historic Capitol in its 1902 form.

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

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

607.193 Supplemental corporate fee.—

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

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

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

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

257.05 Public documents; delivery to, and distribution by, division.—

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

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

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

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

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

283.31 Records of executive agency publications.—Each agency shall maintain a record of any publication, as defined in s. 257.05, the printing of which costs in excess of the threshold amount provided in s. 287.017 for CATEGORY THREE, at least part of which is paid for by state funds appropriated by the Legislature. Such record shall also contain the following: written justification of the need for such publication, purpose of such publication, legislative or administrative authority, sources of funding, frequency and number of issues, and reasons for deciding to have the publication printed in-house, by another agency or the Legislature, or purchased on bid. In addition, such record shall contain the comparative costs of alternative printing methods when such costs were a factor in deciding upon a method. The record of the corporation operating the correctional industry printing program shall include the cost of materials used, the cost of labor, the cost of overhead, the amount of profit made by the corporation for such printing,

and whether the state agencies that contract with the corporation for printing are prudently determining the price paid for such printing.

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

283.55 Purging of publication mailing lists.—

(1) By March 1 of each odd-numbered year, every agency shall survey the addresses on each of its publication mailing lists by providing each addressee the following form, which must also disclose whether the publication is available on the agency’s website:

...(Name of publication)...

Please choose one of the following options:

I would like to receive this publication in hard copy format.

I would like to receive this publication in electronic format. My e-mail address is:.....

I do not wish to receive this publication.

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

~~Yes.... No....~~

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

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

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

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.