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1 A bill to be entitled
 2 An act relating to a review of the Department of State
 3 under the Florida Government Accountability Act;
 4 reenacting s. 20.10, F.S., relating to the 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 revising provisions for the deposit and use of funds from
 13 the notary public surcharge; providing penalties for
 14 applicants who submit applications containing certain
 15 statements; providing for the filing and investigation of
 16 complaints against notaries public; requiring the
 17 department to submit investigative findings to the
 18 Executive Office of the Governor; deleting obsolete
 19 provisions relating to notary bonds; requiring entities
 20 issuing notary bonds to submit annual reports to the
 21 department; requiring the department to refuse bonding
 22 certificates from such entity that does not submit its
 23 annual report by a specified date; conforming provisions;
 24 amending ss. 117.021, 117.05, and 117.103, F.S.; deleting
 25 an obsolete provision relating to notary public seals;
 26 conforming provisions; amending s. 117.107, F.S.;
 27 prohibiting a notary public from using a signature stamp
 28 except under certain circumstances; providing penalties;

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29 specifying that notaries public are subject to suspension
 30 under certain circumstances; transferring the
 31 administration of certain provisions relating to notaries
 32 public from the Executive Office of the Governor to the
 33 department; amending s. 257.015, F.S.; providing
 34 definitions; amending s. 257.02, F.S.; renaming the State
 35 Library Council; revising the council's membership and
 36 duties; providing for a quorum of council members;
 37 specifying the vote required for official action by the
 38 council; amending s. 257.031, F.S.; conforming provisions;
 39 amending s. 257.05, F.S.; establishing the state
 40 publications program; requiring state agencies to furnish
 41 the department's Division of Library and Information
 42 Services with copies of state publications and designate
 43 agency publications liaisons; deleting provisions
 44 requiring certain officials and agencies to provide the
 45 division with specified numbers of public documents;
 46 revising the division's duties with respect to the
 47 management, distribution, and exchange of state
 48 publications and the establishment of a periodic
 49 bibliography for such publications; requiring depository
 50 libraries to maintain state publications in a specified
 51 manner; authorizing the division to adopt rules; amending
 52 s. 257.105, F.S.; requiring state agencies to furnish
 53 copies of state publications to the Library of Congress;
 54 conforming provisions; amending s. 267.0612, F.S.;
 55 revising the duties of the Florida Historical Commission;
 56 transferring to the commission and revising provisions for

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57 | the Official Florida Historical Markers, the State
 58 | Historical Marker Program, and the Great Floridians
 59 | Program to conform to the repeal by the act of provisions
 60 | establishing the State Historical Marker Council and the
 61 | Great Floridians Program; amending s. 267.075, F.S.;
 62 | defining the term "division"; revising the duties of the
 63 | department's Division of Historical Resources for
 64 | management of The Grove historic property; deleting
 65 | provisions establishing The Grove Advisory Council;
 66 | authorizing the division to charge visitor fees, establish
 67 | an endowment, and conduct fundraising activities;
 68 | authorizing the division, or under certain circumstances a
 69 | citizen support organization, to operate a museum store
 70 | and provide visitor services and activities at The Grove;
 71 | providing for use of the net proceeds from the museum
 72 | store and the visitor services and activities; amending s.
 73 | 267.16, F.S.; requiring the division to make folklife
 74 | apprenticeship programs available throughout the state;
 75 | amending s. 267.161, F.S.; assigning certain duties to the
 76 | Florida Folklife Council with respect to folklife
 77 | apprenticeship programs; amending ss. 283.31 and 286.001,
 78 | F.S.; conforming provisions to changes made by the act;
 79 | conforming cross-references; amending s. 668.50, F.S.;
 80 | deleting requirements for certain interactive or classroom
 81 | instruction for notaries public, to conform; amending s.
 82 | 872.05, F.S.; excluding certain portions of human remains
 83 | from the definition of the term "unmarked human burial"
 84 | for purposes of the duties of the State Archaeologist and

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85 | district medical examiners; repealing ss. 267.0731 and
 86 | 267.0743, F.S., relating to the Great Floridians Program
 87 | and the State Historical Marker Council, respectively;
 88 | providing effective dates.

89

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

91

92 | Section 1. Section 20.10, Florida Statutes, is reenacted
 93 | to read:

94 | 20.10 Department of State.—There is created a Department
 95 | of State.

96 | (1) The head of the Department of State is the Secretary
 97 | of State. The Secretary of State shall be appointed by the
 98 | Governor, subject to confirmation by the Senate, and shall serve
 99 | at the pleasure of the Governor. The Secretary of State shall
 100 | perform the functions conferred by the State Constitution upon
 101 | the custodian of state records.

102 | (2) The following divisions of the Department of State are
 103 | established:

- 104 | (a) Division of Elections.
- 105 | (b) Division of Historical Resources.
- 106 | (c) Division of Corporations.
- 107 | (d) Division of Library and Information Services.
- 108 | (e) Division of Cultural Affairs.
- 109 | (f) Division of Administration.

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

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113 Section 2. Effective January 1, 2011, section 117.01,
 114 Florida Statutes, is amended to read:

115 117.01 Appointment, application, suspension, ~~revocation,~~
 116 application fee, bond, and oath.—

117 (1) The Governor may appoint as many notaries public as he
 118 or she deems necessary, each of whom shall be at least 18 years
 119 of age and a legal resident of the state. A permanent resident
 120 alien may apply and be appointed and shall file with his or her
 121 application a recorded declaration of domicile. The residence
 122 required for appointment must be maintained throughout the term
 123 of appointment.

124 (2) An applicant for initial appointment as a notary
 125 public must submit proof that he or she has, within 1 year
 126 before application for such appointment, completed at least 3
 127 hours of interactive or classroom instruction, including
 128 electronic notarization, covering the duties of the notary
 129 public. Courses satisfying this subsection may be offered by any
 130 public or private sector person or entity registered with the
 131 Department of State and must include a core curriculum approved
 132 by the department.

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

137 (4) (a) ~~(2)~~ The application for appointment must ~~shall~~ be
 138 signed and sworn to or affirmed by the applicant, submitted to
 139 the Department of State, and ~~shall be~~ accompanied by a fee of
 140 \$25, together with the \$10 commission fee required by s. 113.01,

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141 and a surcharge of \$4. Of the surcharge, \$2.80 shall be
 142 deposited in the Grants and Donations Trust Fund of ~~which \$4 is~~
 143 ~~appropriated to the Executive Office of the Governor to be used~~
 144 to fund the issuance of notary commissions and the processing of
 145 suspensions, and the remaining \$1.20 shall be deposited in the
 146 Operating Trust Fund of the Department of State to be used to
 147 fund the processing of notary applications, education educate
 148 and assistance for ~~assist~~ notaries public, and the investigation
 149 of complaints against notaries public. The Department of State
 150 ~~Executive Office of the Governor~~ may contract with private
 151 vendors to provide the services set forth in this section.
 152 However, a ~~no~~ commission fee is not ~~shall be~~ required for the
 153 issuance of a commission as a notary public to a veteran who
 154 served during a period of wartime service, as defined in s.
 155 1.01(14), and who has been rated by the United States Government
 156 or the United States Department of Veterans Affairs or its
 157 predecessor to have a disability rating of 50 percent or more;
 158 such a disability is subject to verification by the Department
 159 Secretary of State, which ~~who~~ has authority to adopt reasonable
 160 procedures to implement this chapter ~~act~~.

161 (b) An application must be accompanied by the oath of
 162 office and the notary bond required by this section. ~~An shall~~
 163 ~~also accompany the application must and shall be submitted in~~
 164 the format ~~a form~~ prescribed by the Department of State and must
 165 include, at a minimum ~~which shall require, but not be limited~~
 166 ~~to,~~ the following information:

- 167 1. The applicant's legal full name.

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168 2. The applicant's residence address and telephone
 169 number.~~7~~
 170 3. The applicant's business address and telephone number.~~7~~
 171 4. The applicant's date of birth, ethnicity, race, gender,
 172 and citizenship status. ~~sex,~~
 173 5. The applicant's social security number.~~7~~ ~~citizenship~~
 174 ~~status,~~
 175 6. The applicant's driver ~~driver's~~ license number or the
 176 number of another ~~other~~ official state-issued identification.~~7~~
 177 ~~affidavit of good character from someone unrelated to the~~
 178 ~~applicant who has known the applicant for 1 year or more,~~
 179 7. A list of all professional licenses and commissions
 180 issued by the state to the applicant during the previous 10
 181 years and a statement as to whether ~~or not~~ the applicant has had
 182 such license or commission revoked or suspended.~~7~~ ~~and~~
 183 8. A statement as to whether the applicant has previously
 184 been commissioned as a notary public in this state.
 185 9. A statement as to whether ~~or not~~ the applicant has been
 186 convicted or found guilty of a felony~~7~~ and, if convicted or
 187 found guilty ~~there has been a conviction~~, a statement of the
 188 nature of the felony and restoration of civil rights. ~~The~~
 189 ~~applicant may not use a fictitious or assumed name other than a~~
 190 ~~nickname on an application for commission.~~
 191 (c) The application shall be maintained by the Department
 192 of State for the full term of a notary commission. A notary
 193 public shall notify, in writing, the Department of State of any
 194 change in his or her business address or, ~~home~~ telephone number,

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

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

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

205 (5)-(3) As part of the oath, the applicant must swear or
 206 affirm that he or she has read this chapter and knows the
 207 duties, responsibilities, limitations, and powers of a notary
 208 public.

209 (6) Any person may file a complaint with the Department of
 210 State alleging a violation of this chapter by a notary public.
 211 Upon receipt of a complaint, the department shall investigate
 212 the complaint and submit a summary of its investigative findings
 213 to the Executive Office of the Governor.

214 (7)-(4) The Governor may suspend a notary public for any of
 215 the grounds provided in s. 7, Art. IV of the State Constitution.
 216 Grounds constituting malfeasance, misfeasance, or neglect of
 217 duty include, but are not limited to, the following:

- 218 (a) A material false statement on the application.
- 219 (b) A complaint found to have merit by the Governor.
- 220 (c) Failure to cooperate with or respond to an
 221 investigation by the Executive Office of the Governor ~~Governor's~~
 222 ~~office~~ or the Department of State regarding a complaint.

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- 223 (d) Official misconduct as defined in s. 838.022.
- 224 (e) False or misleading advertising relating to notary
225 public services.
- 226 (f) Unauthorized practice of law.
- 227 (g) Failure to report a change in business or residence
228 ~~home~~ address or telephone number, or failure to submit
229 documentation to request an amended commission after a lawful
230 name change, within the specified period of time.
- 231 (h) Commission of fraud, misrepresentation, or any
232 intentional violation of this chapter.
- 233 (i) Charging fees in excess of fees authorized by this
234 chapter.
- 235 (j) Failure to maintain the bond required by this section.
- 236 (8)~~(5)~~(a) If a notary public receives notice from the
237 Department of State that he or she ~~his or her office~~ has been
238 suspended from office ~~declared vacant~~, the notary public shall
239 forthwith mail or deliver ~~to the Secretary of State~~ his or her
240 notary commission to the Department of State.
- 241 (b) A notary public who wishes to resign his or her
242 commission, or a notary public who does not maintain legal
243 residence in this state during the entire term of appointment,
244 or a notary public whose resignation is required by the
245 Governor, shall send a signed letter of resignation to the
246 Governor and shall return his or her certificate of notary
247 public commission. The resigning notary public shall destroy his
248 or her official notary public seal of office, unless the
249 Governor requests its return.

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250 (9)~~(6)~~ A ~~No~~ person may not ~~be~~ automatically be reappointed
 251 as a notary public. The application process must be completed
 252 ~~regardless of~~ whether an applicant is requesting his or her
 253 initial ~~first~~ notary commission, a renewal of a commission, or
 254 any subsequent commission.

255 (10)~~(7)~~ (a) A notary public shall, before ~~prior to~~
 256 executing the duties of the office and throughout the term of
 257 office, give bond, payable to any individual harmed as a result
 258 of a breach of duty by the notary public acting in his or her
 259 official capacity, in the amount of \$7,500, conditioned on ~~for~~
 260 the due discharge of the office and shall take an oath that he
 261 or she will honestly, diligently, and faithfully discharge the
 262 duties of the notary public. The bond shall be approved and
 263 filed with the Department of State and executed by a surety
 264 company for hire duly authorized to transact business in this
 265 state.

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

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

275 (11)~~(8)~~ ~~Upon payment to~~ Any individual harmed as a result
 276 ~~of a breach of duty by the notary public,~~ the entity issuing
 277 bonds for one or more notaries public must submit to the

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278 Department of State an annual report that includes a statement
 279 of whether any bonds were paid and, if the bonds were paid, a
 280 summary of who has issued the bond for the notary public shall
 281 notify the Governor of the payment and the circumstances that
 282 which led to the claim. If an entity issuing such bonds does not
 283 submit its annual report to the department by January 1, the
 284 department shall refuse to accept bonding certificates from the
 285 entity until the entity submits its annual report.

286 Section 3. Effective January 1, 2011, subsection (4) of
 287 section 117.021, Florida Statutes, is amended to read:

288 117.021 Electronic notarization.—

289 (4) Failure of a notary public to comply with any of the
 290 requirements of this section may constitute grounds for
 291 suspension of the notary public's commission by the ~~Executive~~
 292 ~~Office of the Governor.~~

293 Section 4. Effective January 1, 2011, subsections (1),
 294 (3), and (9) of section 117.05, Florida Statutes, are amended to
 295 read:

296 117.05 Use of notary commission; unlawful use; notary fee;
 297 seal; duties; employer liability; name change; advertising;
 298 photocopies; penalties.—

299 (1) A ~~No~~ person may not ~~shall~~ obtain or use a notary
 300 public commission in other than his or her legal name or, ~~and it~~
 301 ~~is unlawful for a notary public to~~ notarize his or her own
 302 signature. Any person applying for a notary public commission
 303 must submit proof of identity to the Department of State if ~~so~~
 304 requested. Any person who violates ~~the provisions of this~~

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305 subsection commits ~~is guilty of~~ a felony of the third degree,
 306 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

324 (b) ~~(e)~~ The notary public official seal and the certificate
 325 of notary public commission are the exclusive property of the
 326 notary public and must be kept under the direct and exclusive
 327 control of the notary public. The seal and certificate of
 328 commission must not be surrendered to an employer upon
 329 termination of employment, regardless of whether the employer
 330 paid for the seal or for the commission.

331 (c) ~~(d)~~ A notary public whose official seal is lost,
 332 stolen, or believed to be in the possession of another person

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333 shall immediately notify the Department of State ~~or the Governor~~
 334 in writing.

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

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

353 Section 5. Effective January 1, 2011, section 117.103,
 354 Florida Statutes, is amended to read:

355 117.103 Certification of notary's authority by Department
 356 ~~Secretary~~ of State.—A notary public is not required to record
 357 his or her notary public commission in an office of a clerk of
 358 the circuit court. If certification of the notary public's
 359 commission is required, it must be obtained from the Department
 360 ~~Secretary~~ of State. Upon ~~the~~ receipt of a written request and a

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361 fee of \$10 payable to the Department ~~Secretary~~ of State, the
 362 department ~~Secretary of State~~ shall issue a certificate of
 363 notarial authority, in a form prescribed by the department
 364 ~~Secretary of State~~, which shall include a statement explaining
 365 the legal qualifications and authority of a notary public in
 366 this state.

367 Section 6. Effective January 1, 2011, subsections (2) and
 368 (9) of section 117.107, Florida Statutes, are amended to read:

369 117.107 Prohibited acts.—

370 (2) A notary public may not sign notarial certificates
 371 using a ~~facsimile~~ signature stamp unless the notary public has a
 372 physical disability that limits or prohibits his or her ability
 373 to make a written signature and unless the notary public has
 374 first submitted written notice to the Department of State with
 375 an exemplar of the ~~faesimile~~ signature stamp.

376 (9) A notary public may not notarize a signature on a
 377 document if the person whose signature ~~is~~ being notarized is not
 378 in the presence of the notary public at the time the signature
 379 is notarized. Any notary public who violates this subsection is
 380 guilty of a civil infraction, punishable by penalty not
 381 exceeding \$5,000, and such violation constitutes malfeasance and
 382 misfeasance in the conduct of official duties. It is not a ~~no~~
 383 defense to the civil infraction specified in this subsection
 384 that the notary public acted without intent to defraud. A notary
 385 public who violates this subsection with the intent to defraud
 386 violates ~~is guilty of violating~~ s. 117.105 and is subject to
 387 suspension pursuant to s. 117.01(7).

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

398 Section 8. Section 257.015, Florida Statutes, is amended
 399 to read:

400 257.015 Definitions.—As used in this chapter, the term:

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

402 (2) "Depository library" means a library designated as a
 403 depository library for state publications pursuant to s.
 404 257.05(3)(c).

405 ~~(3)-(2)~~ "Division" means the Division of Library and
 406 Information Services of the Department of State.

407 ~~(4)-(3)~~ "Secretary" means the Secretary of State.

408 (5) "State agency" means any official, officer,
 409 commission, board, authority, council, committee, or department
 410 of state government or any state court.

411 ~~(6)-(4)~~ "State Librarian" means the person appointed by the
 412 secretary as the director of the Division of Library and
 413 Information Services pursuant to s. 257.031.

414 (7) "State publication" means a publication in any format
 415 containing information about the state or state government,

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416 which information is of significant value to researchers and the
 417 public, that is created under the authority of, or at least
 418 partially at the expense of, a state agency or that must by law
 419 be distributed to the public. The term does not include a
 420 publication created exclusively for a state agency's internal
 421 use.

422 Section 9. Subsections (1) and (4) of section 257.02,
 423 Florida Statutes, are amended to read:

424 257.02 ~~State Library Information Services~~ Council.—

425 (1)(a) There shall be a State Library Information Services
 426 Council to advise and assist the Division of Library and
 427 Information Services with planning, policy, and priorities for
 428 the development of statewide information services ~~on its~~
 429 ~~programs and activities.~~

430 (b) The council shall consist of nine members who shall be
 431 appointed by the Secretary of State. Of the nine members, at
 432 least one member must represent the a Florida library profession
 433 ~~professional association~~, at least one member must represent the
 434 ~~a Florida archive profession professional association~~, and at
 435 least one member must represent the a Florida records management
 436 ~~profession professional association~~, and at least one must be a
 437 ~~person who is not, and has never been, employed in a library or~~
 438 ~~in teaching library science courses.~~

439 (c) Of the nine members, the executive director of the
 440 Florida Center for Library Automation or the center's successor,
 441 and the executive director of the College Center for Library
 442 Automation or the center's successor, or their designees, shall
 443 serve ex officio as voting members of the council.

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444 (d) Members shall be appointed for 4-year terms. A vacancy
 445 on the council shall be filled for the period of the unexpired
 446 term. A member whose term expires shall continue to serve as a
 447 member of the council until his or her successor or designee is
 448 appointed. Except for the ex officio members serving on the
 449 council pursuant to paragraph (c), a ~~Ne~~ person may not be
 450 appointed to serve more than two consecutive terms as a member
 451 of the council.

452 (e) The Secretary of State may remove from office any
 453 council member for malfeasance, misfeasance, neglect of duty,
 454 incompetence, permanent inability to perform official duties, or
 455 pleading guilty or nolo contendere to, or being found guilty of,
 456 a felony.

457 (4)(a) The officers of the ~~State~~ Library Information
 458 Services Council shall be a chair, elected annually from the
 459 members thereof, and the State Librarian, who shall serve
 460 without voting rights as secretary of the council.

461 (b) A majority of the council membership constitutes a
 462 quorum. The council may not conduct a meeting unless a quorum is
 463 present. An official action by the council shall require the
 464 affirmative vote of a majority of the members present.

465 Section 10. Section 257.031, Florida Statutes, is amended
 466 to read:

467 257.031 State Librarian; appointment and duties.—

468 (1) The State Librarian shall be appointed by the
 469 Secretary of State, shall have completed a library school
 470 program accredited by the American Library Association, and
 471 shall serve as the director of the Division of Library and

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472 Information Services of the Department of State. The Secretary
 473 of State may, in making the appointment of State Librarian,
 474 consult the members of the ~~State Library~~ Information Services
 475 Council.

476 (2) The State Librarian shall:

477 (a) Keep a record of the proceedings of the ~~State Library~~
 478 Information Services Council;

479 (b) Keep an accurate account of the financial transactions
 480 of the division;

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

483 (d) In general, perform such duties as may, from time to
 484 time, be assigned to him or her by the Secretary of State; and

485 (e) Manage operations of the programs assigned by law to
 486 the division.

487 Section 11. Section 257.05, Florida Statutes, is amended
 488 to read:

489 257.05 State publications program ~~Public documents;~~
 490 ~~delivery to, and distribution by, division.-~~

491 (1) There is established the state publications program.
 492 The purpose of the program is to make significant information
 493 about the state and state government accessible to researchers
 494 and the public through depository libraries throughout the
 495 state.

496 (2) (a) Each state agency, upon its release of a state
 497 publication, shall furnish the division with copies of the
 498 publication for distribution to depository libraries throughout
 499 the state as provided by rules adopted by the division.

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500 (b) Each state agency shall designate the agency's
 501 communications director or equivalent position as its agency
 502 publications liaison and shall notify the division of such
 503 liaison's identity. The publications liaison shall maintain a
 504 list of his or her agency's state publications and shall
 505 periodically, but at least once each year by December 31,
 506 furnish an updated list to the division.

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

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

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

526 ~~(c) By December 31 of each year, any state official, state~~
 527 ~~department, state board, state court, or state agency issuing~~

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528 ~~public documents shall furnish to the division a list of all~~
 529 ~~public documents, including each publication that is on the~~
 530 ~~agency's website, issued by the official, department, board,~~
 531 ~~court, or agency during that calendar year.~~

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

540 (3) It is the duty of the division to:

541 (a) Manage the state publications program.

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

543 (c)~~(a)~~ Designate university, college, and public libraries
 544 as depository libraries ~~depositories~~ for state publications
 545 ~~public documents and to designate certain of these depositories~~
 546 ~~as regional centers for full collections of public documents.~~

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

550 (e)~~(c)~~ Establish ~~Publish~~ a periodic bibliography for ~~of~~
 551 the state publications program ~~of the state.~~

552 (4) The division may exchange copies of state publications
 553 ~~public documents~~ for copies of publications from these ~~of~~ other
 554 states, territories, and countries. ~~Depositories receiving~~
 555 ~~public documents under this section shall keep them in a~~

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556 ~~convenient form accessible to the public.~~

557 (5) A depository library shall maintain state publications
 558 in a format that is convenient and accessible to researchers and
 559 the public.

560 (6) The division may adopt rules to administer the state
 561 publications program and this section.

562 Section 12. Section 257.105, Florida Statutes, is amended
 563 to read:

564 257.105 State publications ~~Public documents~~; copies to
 565 Library of Congress.—~~Each~~ Any state official or state agency,
 566 ~~board, commission, or institution~~ having charge of any of the
 567 following state publications, upon requisition from hereinafter
 568 ~~named is authorized and directed to furnish~~ the Library of
 569 Congress ~~in Washington, D.C., shall furnish upon requisition~~
 570 ~~from~~ the Library of Congress with, up to three copies of:

- 571 (1) The journals of both houses of the Legislature;
- 572 (2) Volumes of the Supreme Court Reports;
- 573 (3) Volumes of periodic reports of Cabinet officers; and
- 574 (4) ~~Copies of~~ Reports, studies, maps, or other
 575 publications by official boards or institutions of the state
 576 that, from time to time, ~~as such~~ are published and ~~are~~ available
 577 for public distribution.

578 Section 13. Paragraph (g) is added to subsection (6) of
 579 section 267.0612, Florida Statutes, and subsection (9) is added
 580 to that section, to read:

581 267.0612 Florida Historical Commission; creation;
 582 membership; powers and duties; State Historical Marker Program;
 583 Great Floridians Program.—In order to enhance public

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584 participation and involvement in the preservation and protection
 585 of the state's historic and archaeological sites and properties,
 586 there is created within the Department of State the "Florida
 587 Historical Commission." The commission shall serve in an
 588 advisory capacity to the director of the Division of Historical
 589 Resources to assist the director in carrying out the purposes,
 590 duties, and responsibilities of the division, as specified in
 591 this chapter.

592 (6) It shall be the responsibility of the commission to
 593 provide assistance, advice, and recommendations to the division
 594 in:

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

602 (9) (a) The division shall establish and administer the
 603 Great Floridians Program to recognize and record the
 604 achievements of Floridians who have made major contributions to
 605 the progress and welfare of the nation or the state and its
 606 citizens. Living and deceased persons are eligible for
 607 recognition, although a person whose contributions are achieved
 608 through elected or appointed public service is not eligible for
 609 recognition while holding such office.

610 (b) The commission shall annually nominate one or more
 611 persons with the recommendation that they be honored with the

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612 designation "Great Floridian." The nominations shall be
 613 submitted to the Secretary of State, who may select one or more
 614 persons to be honored from among the nominations.

615 (c) To enhance public participation and involvement in the
 616 identification of any person worthy of nomination as a Great
 617 Floridian, the division shall seek advice and assistance from
 618 persons qualified through the demonstration of special interest,
 619 experience, or education in the dissemination of knowledge about
 620 the state's history.

621 (d) Upon the designation of a person as a Great Floridian
 622 by the Secretary of State, the division shall undertake
 623 appropriate activities intended to achieve wide public knowledge
 624 of the person designated.

625 (e)1. The division may seek to initiate production of a
 626 film, video, or digital media production depicting the life and
 627 contributions of the designee to the state and nation. The
 628 Department of State may be the repository of the original film,
 629 video, or digital media produced under this paragraph. The
 630 division may exercise the right of trademark over the terms
 631 "Great Floridian" and "Great Floridians" pursuant to s. 286.031.

632 2. The division may arrange for the distribution of all
 633 film, video, or digital media productions to the general public,
 634 public television stations, educational institutions, and others
 635 and may establish a reasonable charge to recover the costs
 636 associated with production and to provide a source of revenue to
 637 assist with reproduction, marketing, and distribution of Great
 638 Floridians film, video, and digital media. Proceeds from such

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639 charges shall be deposited into the Historical Resources
 640 Operating Trust Fund.

641 (f) Deceased persons designated as Great Floridians may be
 642 recognized by markers affixed to properties significantly
 643 associated with the major contributions of the designee. Such
 644 markers shall be erected pursuant to s. 267.074.

645 Section 14. Section 267.075, Florida Statutes, is amended
 646 to read:

647 267.075 Management of The Grove ~~Advisory Council;~~
 648 ~~creation; membership; purposes.-~~

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

651 (2)~~(1)~~ The Call/Collins House, commonly known as "The
 652 Grove," located in Tallahassee, Leon County, shall be utilized
 653 as a house museum of history for the educational benefit of the
 654 citizens of this state. The utilization of The Grove as a museum
 655 of history shall emphasize the lives and accomplishments of The
 656 Grove's first owner, Richard Keith Call, Florida's last
 657 Territorial Governor, and LeRoy Collins, Florida's 33rd
 658 Governor, who, with his wife, Mary Call Darby Collins, were the
 659 last owners of The Grove. The faithful restoration and
 660 maintenance of The Grove undertaken by LeRoy Collins and Mary
 661 Call Darby Collins during the nearly six decades of Collins
 662 family ownership and stewardship which has preserved the
 663 original plan of construction and design of The Grove shall be
 664 continued as provided for in this section.

665 ~~(2) There is created within the Department of State The~~
 666 ~~Grove Advisory Council for the purpose of advising the Division~~

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667 ~~of Historical Resources on the operation, maintenance,~~
 668 ~~preservation, and protection of the Call/Collins House, commonly~~
 669 ~~known as "The Grove," its grounds, cemetery, and all structures~~
 670 ~~thereon; the furniture and furnishings located therein; any~~
 671 ~~changes in the architecture, structure, furnishings, or~~
 672 ~~landscaping deemed necessary or desirable by the council; and~~
 673 ~~the design and development of interpretive programs and exhibits~~
 674 ~~in connection therewith.~~

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

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

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

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

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

687
 688 ~~Of the citizen members, at least one member shall have~~
 689 ~~professional curatorial and museum expertise, one member shall~~
 690 ~~have professional architectural expertise in the preservation of~~
 691 ~~historic buildings, and one member shall have professional~~
 692 ~~landscape expertise. The five citizen members of the council~~
 693 ~~appointed by the Secretary of State and the member of the~~
 694 ~~council who is a direct descendant of Mary Call Darby Collins~~

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695 ~~appointed by the Secretary of State shall be appointed for~~
 696 ~~staggered 4-year terms. The Secretary of State shall fill the~~
 697 ~~remainder of unexpired terms for the five citizen members of the~~
 698 ~~council and the member of the council who is a direct descendant~~
 699 ~~of Mary Call Darby Collins.~~

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

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

716 ~~(d) Members of the council shall serve without~~
 717 ~~compensation or honorarium but shall be entitled to receive~~
 718 ~~reimbursement for per diem and travel expenses as provided in s.~~
 719 ~~112.061. All expenses of the council shall be paid from~~
 720 ~~appropriations to be made by the Legislature to the Department~~
 721 ~~of State. All vouchers shall be approved by the Division of~~
 722 ~~Historical Resources before being submitted to the Chief~~

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723 ~~Financial Officer for payment.~~

724 (3)~~(4)~~(a) ~~The division of Historical Resources, with the~~
 725 ~~advice and assistance of the council,~~ shall maintain the
 726 structure, style, character, and landscaping of The Grove, its
 727 grounds, its private family cemetery, and all structures thereon
 728 consistent with the character, plan, and design of The Grove at
 729 the time the state takes physical possession of The Grove and
 730 its surrounding property from Mary Call Darby Collins. The
 731 division ~~it~~ shall, according to professionally accepted
 732 standards, care for and maintain The Grove's physical structure;
 733 control the climate within the structure; and preserve and
 734 protect the antique furnishings and other articles of furniture,
 735 fixtures, and decorative objects and articles used or displayed
 736 in the premises, whether owned by or loaned to the division.

737 (b) ~~The division of Historical Resources~~ shall catalog and
 738 maintain a descriptive, photographic inventory of the
 739 furnishings, fixtures, and decorative objects and articles used
 740 or displayed in the premises.

741 (c) ~~The division of Historical Resources~~ may receive, on
 742 behalf of the state, contributions, bequests, and gifts of
 743 money, furniture, works of art, memorabilia, or other property
 744 consistent with the use of The Grove as described in this
 745 section. Title to all property which is received in this manner
 746 shall vest in the state and shall be held in trust by the
 747 ~~division of Historical Resources~~ solely to further the purposes
 748 of this section. Any ~~no~~ furniture, furnishings, fixtures, or
 749 decorative objects associated with The Grove and acquired for
 750 use at The Grove from the Collins family or any of its members

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751 may not ~~shall~~ be used for any purpose except as a permanent part
 752 of The Grove's furniture, furnishings, fixtures, or decorative
 753 objects, ~~and any such item not so utilized shall forthwith~~
 754 ~~revert to the Collins family member or members from whom it was~~
 755 ~~acquired. No gifts, contributions, or bequests shall be accepted~~
 756 ~~for The Grove without the advice and recommendation of the~~
 757 ~~council.~~ The division shall manage The Grove in accordance with
 758 rules adopted by the division for that purpose.

759 (d) The division may operate a museum store and provide
 760 other visitor services and activities related to The Grove,
 761 charge fees for visitation and such other services and
 762 activities, establish an endowment for the benefit of The Grove,
 763 and conduct related fundraising activities ~~of Historical~~
 764 ~~Resources shall adopt rules governing the maintenance and use of~~
 765 ~~The Grove; the selection, acquisition, and disposition of~~
 766 ~~furnishings and decorations for the premises; and the acceptance~~
 767 ~~of gifts, contributions, bequests, or loans of property.~~

768 (e) The division may support the establishment and
 769 operation of a citizen support organization pursuant to s.
 770 267.17 for the promotion and support of The Grove. Such citizen
 771 support organization, with the division's consent, may operate
 772 the museum store and provide the visitor services and activities
 773 authorized at The Grove. The net proceeds from operation of the
 774 museum store and the visitor services and activities may only be
 775 used to support The Grove.

776 Section 15. Subsection (1) of section 267.16, Florida
 777 Statutes, is amended to read:

778 267.16 Florida Folklife Programs.—It is the duty and

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779 responsibility of the division to:

780 (1) Identify, research, interpret, and present Florida
 781 folk arts, artists, performers, folklore, traditions, customs,
 782 and cultural heritage and make folk cultural resources, ~~and~~
 783 folklife projects, and folklife apprenticeship programs
 784 available throughout the state. The division shall compile,
 785 edit, publish, and print directories, books, articles,
 786 pamphlets, and other folklife materials to disseminate
 787 information about folk cultural resources. The division may
 788 sponsor conferences, workshops, festivals, lectures, and
 789 exhibitions on Florida folklife and promote the folk cultural
 790 resources of the state.

791 Section 16. Paragraph (d) is added to subsection (2) of
 792 section 267.161, Florida Statutes, to read:

793 267.161 Florida Folklife Council.—

794 (2) The council shall:

795 (d) Provide assistance, advice, and recommendations to the
 796 division in evaluating applications for folklife apprenticeship
 797 programs pursuant to s. 267.16.

798 Section 17. Section 283.31, Florida Statutes, is amended
 799 to read:

800 283.31 Records of executive agency publications.—Each
 801 agency shall maintain a record of any state publication, ~~as~~
 802 defined in s. 257.015 ~~257.05~~, the printing of which costs in
 803 excess of the threshold amount provided in s. 287.017 for
 804 CATEGORY THREE, at least part of which is paid for by state
 805 funds appropriated by the Legislature. Such record shall also
 806 contain the following: written justification of the need for

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807 such publication, purpose of such publication, legislative or
 808 administrative authority, sources of funding, frequency and
 809 number of issues, and reasons for deciding to have the
 810 publication printed in-house, by another agency or the
 811 Legislature, or purchased on bid. In addition, such record shall
 812 contain the comparative costs of alternative printing methods
 813 when such costs were a factor in deciding upon a method. The
 814 record of the corporation operating the correctional industry
 815 printing program shall include the cost of materials used, the
 816 cost of labor, the cost of overhead, the amount of profit made
 817 by the corporation for such printing, and whether the state
 818 agencies that contract with the corporation for printing are
 819 prudently determining the price paid for such printing.

820 Section 18. Paragraph (a) of subsection (2) and subsection
 821 (4) of section 286.001, Florida Statutes, are amended to read:

822 286.001 Reports statutorily required; filing, maintenance,
 823 retrieval, and provision of copies.—

824 (2) With respect to reports statutorily required of
 825 agencies or officers within the executive, legislative, or
 826 judicial branches of state government, the State Board of
 827 Education, the Board of Governors of the State University
 828 System, or the Public Service Commission, it is the duty of the
 829 division, in addition to its duties under s. 257.05, to:

830 (a) Regularly compile and update bibliographic information
 831 on such reports for distribution as provided in paragraph (b).
 832 Such bibliographic information may be included in the
 833 bibliographies prepared by the division pursuant to s.
 834 257.05(3) (e) ~~(e)~~.

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835 (4) Nothing in this section shall be construed to waive or
 836 modify the requirement in s. 257.05(2) (a) pertaining to the
 837 provision of copies of public documents to the division.

838 Section 19. Subsection (11) of section 668.50, Florida
 839 Statutes, is amended to read:

840 668.50 Uniform Electronic Transaction Act.—

841 (11) NOTARIZATION AND ACKNOWLEDGMENT.—

842 ~~(a)~~ If a law requires a signature or record to be
 843 notarized, acknowledged, verified, or made under oath, the
 844 requirement is satisfied if the electronic signature of the
 845 person authorized by applicable law to perform those acts,
 846 together with all other information required to be included by
 847 other applicable law, is attached to or logically associated
 848 with the signature or record. Neither a rubber stamp nor an
 849 impression type seal is required for an electronic notarization.

850 ~~(b) A first-time applicant for a notary commission must~~
 851 ~~submit proof that the applicant has, within 1 year prior to the~~
 852 ~~application, completed at least 3 hours of interactive or~~
 853 ~~classroom instruction, including electronic notarization, and~~
 854 ~~covering the duties of the notary public. Courses satisfying~~
 855 ~~this section may be offered by any public or private sector~~
 856 ~~person or entity registered with the Executive Office of the~~
 857 ~~Governor and must include a core curriculum approved by that~~
 858 ~~office.~~

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

861 872.05 Unmarked human burials.—

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

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863 (a) "Archaeologist" means a person who is registered by
 864 the Society of Professional Archaeologists with an emphasis in
 865 field research or who, in the judgment of the State
 866 Archaeologist, meets the training and experience requirements
 867 necessary for such registration.

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

870 (c) "Division" means the Division of Historical Resources
 871 of the Department of State.

872 (d) "Human skeletal analyst" means a person who possesses
 873 a postgraduate degree in human skeletal biology, human forensic
 874 osteology, or other related area of physical anthropology and
 875 who has a minimum of 1 year of laboratory experience in human
 876 skeletal analysis and reconstruction.

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

879 (f) "Unmarked human burial" means any human skeletal
 880 remains or associated burial artifacts or any location,
 881 including any burial mound or earthen or shell monument, where
 882 human skeletal remains or associated burial artifacts are
 883 discovered or believed to exist on the basis of archaeological
 884 or historical evidence. The term does not include those portions
 885 of human remains that are shed naturally by living persons,
 886 including, but not limited to, hair and teeth. The term also
 887 does not include, ~~excluding~~ any burial marked or previously
 888 marked by a tomb, monument, gravestone, or other structure or
 889 thing placed or designed as a memorial of the dead.

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890 Section 21. Sections 267.0731 and 267.0743, Florida
891 Statutes, are repealed.

892 Section 22. Except as otherwise expressly provided in this
893 act, this act shall take effect July 1, 2010.