

By the Committee on Tourism and Representatives
Trovillion, Bullard, Allen, Justice and Davis

1 A bill to be entitled
2 An act relating to historic preservation;
3 repealing pt. I of ch. 266, F.S.; eliminating
4 general provisions relating to historic
5 preservation boards of trustees and the
6 responsibilities of the Department of State
7 with respect thereto; repealing ss. 266.0011,
8 266.0012, 266.0013, 266.0014, 266.0015,
9 266.00155, 266.0016, and 266.0017, F.S.;
10 eliminating the Historic Pensacola Board of
11 Trustees; amending s. 267.031, F.S.; providing
12 powers and duties of the Division of Historical
13 Resources; providing for the establishment of
14 historic preservation regional offices;
15 providing purpose; requiring the division to
16 establish a citizen support organization for
17 each regional office; requiring the division to
18 establish and maintain a central inventory of
19 historic properties; requiring the employment
20 of a state archaeologist; providing
21 qualifications and responsibilities for the
22 state archaeologist; requiring the employment
23 of a state historic preservation officer and
24 other personnel; providing for designation and
25 responsibilities of the state historic
26 preservation officer; amending s. 267.061,
27 F.S.; correcting a cross reference; requiring
28 rules for historic property renovation to be
29 based on certain national guidelines and
30 standards; repealing provisions relating to
31 division responsibilities, state archaeologist,

1 and state historic preservation officer;
2 amending s. 267.0612, F.S.; deleting provisions
3 relating to the Historic Preservation Advisory
4 Council; creating the Florida Historical
5 Commission; providing powers and duties;
6 providing composition of the commission;
7 providing for initial membership and subsequent
8 appointments; providing terms and organization;
9 providing responsibilities of the commission;
10 providing that specified members of the
11 commission shall sit as Florida's National
12 Register Review Board; amending s. 267.0617,
13 F.S.; requiring review of special category
14 historic preservation grants-in-aid by the
15 Florida Historical Commission; defining such
16 grants; providing for review of other grants by
17 grant review panels; conforming cross
18 references; amending s. 267.062, F.S.;
19 correcting a cross reference; amending s.
20 267.072, F.S., relating to Museum of Florida
21 History programs; renumbering provisions
22 relating to historical museum grants as s.
23 267.0619, F.S.; revising provisions with
24 respect to grant application review;
25 renumbering provisions relating to the Great
26 Floridians program as s. 267.073, F.S.;
27 correcting a cross reference; creating s.
28 267.074, F.S.; requiring the Division of
29 Historical Resources to coordinate and direct
30 the Historical Marker Program; delineating
31 program responsibilities; providing

1 classification of markers; requiring the
2 division to establish a central register of
3 markers and to establish and maintain the
4 Florida Register of Heritage Landmarks;
5 requiring rules; requiring a comprehensive
6 plan; providing for the establishment of fees;
7 specifying funding sources for markers;
8 creating s. 267.0743, F.S.; creating the State
9 Historical Marker Council; providing for
10 membership, meetings, organization, and
11 responsibilities of the council; amending s.
12 267.081, F.S.; authorizing the division to
13 exercise the right of trademark and service
14 mark over specified terms; creating s. 267.115,
15 F.S.; providing division authority and
16 responsibilities pertaining to objects of
17 historical or archaeological value; requiring
18 maintenance of records; providing for loan,
19 sale, exchange, or other disposition of objects
20 under certain circumstances; providing for
21 disposition of funds; providing for rules;
22 providing a penalty; providing for contracts;
23 allowing program for administering finds of
24 artifacts in state-owned river bottoms;
25 amending s. 267.13, F.S.; revising provisions
26 with respect to restitution for the commission
27 of practices prohibited under ch. 267, F.S.;
28 defining value elements for purposes of
29 determining restitution; amending s. 267.14,
30 F.S.; providing public policy declarations;
31 creating s. 267.173, F.S.; requiring the

1 Department of State to contract with the
2 University of West Florida for management of
3 certain state-owned properties; providing
4 contract goals; requiring use of proceeds
5 derived from the management of such properties;
6 authorizing transfer and ownership of certain
7 artifacts, documents, and properties to the
8 university; providing for transfer of records,
9 property, personnel, and funds of the Historic
10 Pensacola Board of Trustees to the university;
11 specifying certain powers and duties of the
12 University of West Florida; providing that the
13 university may contract with its direct-support
14 organization to perform all acts necessary to
15 assist the university in carrying out its
16 historic preservation and historic education
17 responsibilities; delineating certain powers;
18 authorizing the Department of State to contract
19 with the University of West Florida to serve as
20 a regional office; providing an exception to
21 the requirement for a separate direct-support
22 organization for regional offices; amending and
23 renumbering s. 266.0018, F.S.; requiring the
24 authorization of a direct-support organization
25 to assist the University of West Florida in
26 historic preservation and historic preservation
27 education purposes and responsibilities;
28 conforming references; providing membership
29 criteria and selection; delineating contract
30 and other governance requirements; providing
31 for preservation of validity of judicial or

1 administrative actions involving the Historic
2 Pensacola Preservation Board of Trustees;
3 amending ss. 607.1901 and 872.05, F.S.;
4 correcting cross references; providing
5 effective dates.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Effective July 1, 2001, part I of chapter
10 266, Florida Statutes, consisting of section 266.00001,
11 Florida Statutes, is repealed.

12 Section 2. Effective July 1, 2001, sections 266.0011,
13 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016,
14 and 266.0017, Florida Statutes, are repealed.

15 Section 3. Subsections (5), (6), and (7) are added to
16 section 267.031, Florida Statutes, to read:

17 267.031 Division of Historical Resources; powers and
18 duties.--

19 (5) It is the responsibility of the division to:

20 (a) Cooperate with federal and state agencies, local
21 governments, and private organizations and individuals to
22 direct and conduct a comprehensive statewide survey of
23 historic resources and to maintain an inventory of such
24 resources.

25 (b) Develop a comprehensive statewide historic
26 preservation plan.

27 (c) Identify and nominate through the State Historic
28 Preservation Officer eligible properties to the National
29 Register of Historic Places and otherwise administer
30 applications for listing historic properties in the National
31 Register.

1 (d) Cooperate with federal and state agencies, local
2 governments, and organizations and individuals to ensure that
3 historic resources are taken into consideration at all levels
4 of planning and development.

5 (e) Advise and assist, as appropriate, federal and
6 state agencies and local governments in carrying out their
7 historic preservation responsibilities and programs.

8 (f) Provide public information, education, and
9 technical assistance relating to historic preservation
10 programs.

11 (g) Cooperate with local governments and organizations
12 and individuals in the development of local historic
13 preservation programs, including the Main Street Program of
14 the National Trust for Historic Preservation, or any similar
15 programs that may be developed by the division.

16 (h) Carry out on behalf of the state the programs of
17 the National Historic Preservation Act of 1966, as amended,
18 and to establish, maintain, and administer a state historic
19 preservation program meeting the requirements of an approved
20 program and fulfilling the responsibilities of state historic
21 preservation programs as provided in subsection 101(b) of that
22 act.

23 (i) Take such other actions necessary or appropriate
24 to locate, acquire, protect, preserve, operate, interpret, and
25 promote the location, acquisition, protection, preservation,
26 operation, and interpretation of historic resources to foster
27 an appreciation of Florida history and culture. Prior to the
28 acquisition, preservation, interpretation, or operation of a
29 historic property by a state agency, the division shall be
30 provided a reasonable opportunity to review and comment on the
31 proposed undertaking and shall determine that there exists

1 historical authenticity and a feasible means of providing for
2 the preservation, interpretation, and operation of such
3 property. Expenditures by the division to protect or preserve
4 historic properties leased by the division from the Board of
5 Trustees of the Internal Improvement Trust Fund may be exempt
6 from the competitive bid requirements of chapters 255 and 287.

7 (j) Cooperate and coordinate with the Division of
8 Recreation and Parks of the Department of Environmental
9 Protection in the operation and management of historic
10 properties or resources subject to review under s. 267.061(2)
11 by the Division of Historical Resources.

12 (k) Establish professional standards for the
13 preservation, exclusive of acquisition, of historic resources
14 in state ownership or control.

15 (l) Establish guidelines for state agency
16 responsibilities under s. 267.061(2).

17 (m) Establish regional offices for the purpose of
18 assisting the division in the delivery of historic
19 preservation services to the counties and municipalities of
20 the state and to the citizens of the State of Florida.
21 Historic preservation regional offices shall be established in
22 St. Augustine, Tampa, Palm Beach County, and in other areas of
23 the state which the division deems appropriate. For each
24 regional office established, the division shall establish a
25 citizen support organization in accordance with s. 267.17. The
26 board of directors of each citizen support organization shall
27 be appointed by the Secretary of State.

28 (n) Establish and maintain a central inventory of
29 historic properties for the state which shall consist of all
30 such properties as may be reported to the division. This
31 inventory shall be known as the Florida Master Site File.

1 (6) The division shall employ a State Archaeologist,
2 and such other archaeologists as deemed necessary, who shall
3 possess such qualifications as the division may prescribe. The
4 State Archaeologist shall serve at the pleasure of the
5 division director and shall have his or her duties prescribed
6 by the division director.

7 (7) The division shall employ a State Historic
8 Preservation Officer, qualified by special training or
9 experience in the field of historic preservation, and such
10 other specialists in the field of historic preservation as
11 deemed necessary, who shall possess such qualifications as the
12 division may prescribe. The State Historic Preservation
13 Officer shall be designated as such by the Governor, upon the
14 recommendation of the Secretary of State, and shall serve at
15 the pleasure of the Secretary of State. The State Historic
16 Preservation Officer shall conduct relations with
17 representatives of the Federal Government and the respective
18 states concerning matters of historic preservation, and shall
19 perform such other duties as prescribed by the Secretary of
20 State.

21 Section 4. Paragraph (d) of subsection (2) of section
22 267.061, Florida Statutes, is amended, subsections (3), (4),
23 and (5) are repealed, and present subsection (6) of said
24 section is renumbered as subsection (3) and amended, to read:

25 267.061 Historic properties; state policy,
26 responsibilities.--

27 (2) RESPONSIBILITIES OF STATE AGENCIES OF THE
28 EXECUTIVE BRANCH.--

29 (d) Each state agency of the executive branch shall
30 assume responsibility for the preservation of historic
31 resources which are owned or controlled by such agency. Prior

1 to acquiring, constructing, or leasing buildings for the
2 purpose of carrying out agency responsibilities, the agency
3 shall use, to the maximum extent feasible, historic properties
4 available to the agency. Each agency shall undertake,
5 consistent with the preservation of such properties, the
6 mission of the agency, and the professional standards
7 established pursuant to s. 267.031(5)(k)~~paragraph (3)(k)~~, any
8 preservation actions necessary to carry out the intent of this
9 paragraph.

10 ~~(3)(6)~~ DEPARTMENT OF MANAGEMENT SERVICES.--The
11 Department of Management Services, in consultation with the
12 division, shall adopt rules for the renovation of historic
13 properties which are owned or leased by the state. Such rules
14 shall be based on national guidelines for historic renovation,
15 including the standards and guidelines for rehabilitation
16 adopted by the United States Secretary of the Interior.

17 Section 5. Section 267.0612, Florida Statutes, is
18 amended to read:

19 (Substantial rewording of section. See
20 s. 267.0612, F.S., for present text.)

21 267.0612 Florida Historical Commission; creation;
22 membership; powers and duties.--In order to enhance public
23 participation and involvement in the preservation and
24 protection of the state's historic and archaeological sites
25 and properties, there is created within the Department of
26 State the "Florida Historical Commission." The commission
27 shall serve in an advisory capacity to the director of the
28 Division of Historical Resources to assist the director in
29 carrying out the purposes, duties, and responsibilities of the
30 division, as specified in this chapter.

31

1 (1)(a) The commission shall be composed of eleven
2 members. Seven members shall be appointed by the Governor in
3 consultation with the Secretary of State, two members shall be
4 appointed by the President of the Senate, and two members
5 shall be appointed by the Speaker of the House of
6 Representatives. Of the seven members appointed by the
7 Governor, one member must be a licensed architect who has
8 expertise in historic preservation and architectural history;
9 one member must be a professional historian in the field of
10 American history; one member must be a professional
11 architectural historian; one member must be an archaeologist
12 specializing in the field of prehistory; and one member must
13 be an archaeologist specializing in the historic period. The
14 remaining two members appointed by the Governor and the two
15 members appointed by the President of the Senate and the
16 Speaker of the House of Representatives, respectively, must be
17 representatives of the general public with demonstrated
18 interest in the preservation of Florida's historical and
19 archaeological heritage. At least one member of the
20 commission shall be a resident of a county that has a
21 population of 75,000 or less.

22 (b) Notwithstanding the provisions of paragraph (a),
23 the initial members of the commission shall be the members of
24 the Historic Preservation Advisory Council and the National
25 Register of Historic Places Review Board, serving on January
26 1, 2002, who may serve the remainder of their respective
27 terms. New appointments to the commission shall not be made
28 until the retirement, resignation, removal, or expiration of
29 the terms of the initial members results in fewer than eleven
30 members remaining. As vacancies occur, the first appointments
31 shall be the five professionally-designated members appointed

1 by the Governor. The President of the Senate, the Speaker of
2 the House of Representatives, and the Governor, respectively,
3 shall then alternate appointments until the commission is
4 composed as required herein.

5 (2) Commission members appointed by the President of
6 the Senate and the Speaker of the House of Representatives
7 shall be appointed for 2-year terms. Commission members
8 appointed by the Governor shall be appointed to 4-year terms.
9 Vacancies shall be filled for the remainder of the term and by
10 the original appointing authority.

11 (3) The Governor shall designate a member of the
12 commission as the commission's presiding officer to serve in
13 that capacity at the pleasure of the Governor. Each year the
14 commission shall select an assistant presiding officer from
15 its membership.

16 (4) The commission shall meet upon the call of the
17 presiding officer or Secretary of State, which shall occur at
18 least quarterly. Members shall serve without pay, but shall
19 be entitled to reimbursement for their expenses in carrying
20 out their official duties, as provided in s. 112.061.

21 (5) All action taken by the commission shall be by
22 majority vote of those members present. The director of the
23 division or the director's designee shall serve without voting
24 rights as secretary to the commission. The division shall
25 provide necessary staff assistance to the commission.

26 (6) It shall be the responsibility of the commission
27 to provide assistance, advice, and recommendations to the
28 division in:

29 (a) Establishing priorities for the identification,
30 acquisition, protection, and preservation of historic and
31 archaeological sites and properties.

1 (b) Establishing criteria for use in assessing the
2 significance of historic and archaeological sites and
3 properties.

4 (c) Evaluating proposals for awards of special
5 category historic preservation grants-in-aid administered by
6 the division. Pursuant thereto, the commission shall review
7 and evaluate proposals for special category grants and shall
8 make recommendations, including a priority ranking, reflecting
9 such evaluation. In making such evaluation and
10 recommendations, the commission shall, at a minimum, consider
11 the purpose, economic and other public benefit, location,
12 compatibility with statewide historic preservation priorities,
13 and cost of each proposal for special category grant
14 assistance.

15 (d) Providing an active outreach program to encourage
16 public understanding of and involvement in the preservation of
17 the state's historic and archaeological sites and properties.

18 (e) Identifying and expressing public goals for
19 historic preservation and gathering public ideas necessary for
20 the formulation of alternative policies.

21 (f) Recommending rules relating to the historic
22 preservation programs administered by the division pursuant to
23 this chapter.

24 (7) It shall be the additional responsibility of the
25 commission to provide such other assistance and advice to the
26 division as required by this chapter and as may be required
27 from time to time in matters pertaining to the protection and
28 preservation of the state's historic and archaeological sites
29 and properties.

30 (8) The five members appointed by the Governor from
31 the professions designated in paragraph (1)(a) shall sit as

1 Florida's National Register Review Board and shall perform the
2 duties of that board established by the National Historic
3 Preservation Act of 1966, as amended. If a vacancy exists in
4 one of the five designated seats, the division director shall
5 assign another member of the Florida Historical Commission to
6 serve until the vacancy is filled.

7 Section 6. Subsections (3) and (5) of section
8 267.0617, Florida Statutes, are amended to read:

9 267.0617 Historic Preservation Grant Program.--

10 (3) All grants of state funds to assist the
11 preservation of historic properties shall be made from the
12 Historical Resources Operating Trust Fund and may be awarded
13 only pursuant to applications for such assistance made to the
14 Division of Historical Resources. The Florida Historical
15 Commission ~~Historic Preservation Advisory Council~~ shall review
16 each application for a special category historic preservation
17 grant-in-aid. Special category historic preservation
18 grants-in-aid are those reviewed and recommended by the
19 Secretary of State for submission for legislative funding
20 consideration. Grant review panels appointed by the Secretary
21 of State and chaired by a member of the Florida Historical
22 Commission shall review each application for other historic
23 preservation grants-in-aid. The reviewing body ~~and~~ shall
24 submit annually to the Secretary of State for approval lists
25 of all applications that are recommended by the reviewing body
26 ~~council~~ for the award of grants, arranged in order of
27 priority. ~~The division may allocate grants only for projects~~
28 ~~that are approved or for which funds are appropriated by the~~
29 ~~Legislature.~~

30 (5) The Division of Historical Resources shall adopt
31 rules prescribing the criteria to be applied by the Florida

1 Historical Commission and the grant review panels ~~Historic~~
2 ~~Preservation Advisory Council~~ in recommending applications for
3 the award of grants and rules providing for the administration
4 of the other provisions of this section.

5 Section 7. Subsection (2) of section 267.062, Florida
6 Statutes, is amended to read:

7 267.062 Naming of state buildings and other
8 facilities.--

9 (2) The division shall, after consulting with the
10 Florida Historical Commission ~~appropriate citizens~~
11 ~~committees~~, recommend several persons whose contributions to
12 the state have been of such significance that the division may
13 recommend that state buildings and facilities be named for
14 them.

15 Section 8. Subsection (2) of section 267.072, Florida
16 Statutes, is renumbered as section 267.0619, Florida Statutes,
17 and amended to read:

18 267.0619(2)(a) Historical Museum Grants.--The
19 division may conduct a program to provide:

20 (1)(a)1. Grants from the Historical Resources
21 Operating Trust Fund, including matching grants, to a
22 department or agency of the state; a unit of county,
23 municipal, or other local government; or a public or private
24 profit or nonprofit corporation, partnership, or other
25 organization to assist in the development of public
26 educational exhibits relating to the historical resources of
27 Florida; and

28 (b)2. Grants from the Historical Resources Operating
29 Trust Fund to Florida history museums that are not
30 state-operated to assist such museums in paying for operating
31 costs.

1 ~~(2)(b)~~ In order to be eligible to receive a grant from
2 the trust fund to assist in paying operating costs, a Florida
3 history museum must fulfill the following criteria:

4 ~~(a)1.~~ The mission of the museum must relate directly
5 and primarily to the history of Florida. If the museum has
6 more than one mission, the museum is eligible to receive a
7 grant for that portion of the operating costs which is
8 reasonably attributable to its mission relating to the history
9 of Florida;

10 ~~(b)2.~~ The museum must have been operating and open to
11 the public for at least 180 days each year during the 2-year
12 period immediately preceding the date upon which the museum
13 applies for the grant;

14 ~~(c)3.~~ The museum must be open and providing museum
15 services to the public for at least 180 days each year; and

16 ~~(d)4.~~ The museum must currently employ, and must have
17 employed during the 2-year period immediately preceding the
18 date upon which the museum applies for the grant, at least one
19 full-time staff member or the equivalent thereof whose primary
20 responsibility is to acquire, maintain, and exhibit to the
21 public objects that are owned by, or are on loan to, the
22 museum.

23 ~~(3)(c)~~ An application for a grant must be made to the
24 division on a form provided by the division. The division
25 shall adopt rules prescribing categories of grants,
26 application requirements, criteria and procedures for the
27 review and evaluation of applications, and other procedures
28 necessary for the administration of the program, subject to
29 the requirements of this section. Grant review panels
30 appointed by the Secretary of State and chaired by a member of
31 the Florida Historical Commission shall review each

1 application for a museum grant-in-aid. The review panel shall
2 submit to the Secretary of State for approval lists of all
3 applications that are recommended by the panel for the award
4 of grants, arranged in order of priority.~~The division shall~~
5 ~~provide opportunities for persons from different areas of the~~
6 ~~state who, due to education, experience, or special interest,~~
7 ~~are knowledgeable about the development and operation of~~
8 ~~historical museums or historical exhibits for public education~~
9 ~~to evaluate the applications and shall consider their~~
10 ~~evaluations and recommendations in selecting the applicants~~
11 ~~that it will recommend to the Secretary of State to receive~~
12 ~~grants. The division shall submit a list of such applicants,~~
13 ~~arranged in order of priority, to the Secretary of State. The~~
14 ~~division may award a grant to a Florida history museum only if~~
15 ~~the award has been approved by the Secretary of State.~~

16 (4)(d) Money received as an appropriation or
17 contribution to the grants program must be deposited into the
18 Historical Resources Operating Trust Fund. Money appropriated
19 from general revenue to the trust fund for the program may not
20 be granted to a private for-profit museum. Money appropriated
21 from any source to the trust fund for the program may not be
22 granted to pay the cost of locating, identifying, evaluating,
23 acquiring, preserving, protecting, restoring, rehabilitating,
24 stabilizing, or excavating an archaeological or historic site
25 or a historic building or the planning of any of those
26 activities.

27 (5)(e) The division may grant moneys quarterly from
28 the Historical Resources Operating Trust Fund to history
29 museums in advance of an exhibit or program for which the
30 moneys are granted.

31

1 Section 9. Subsection (1) of section 267.072, Florida
2 Statutes, is amended to read:

3 267.072 Museum of Florida History programs.--

4 (1) The division shall+

5 ~~(a)~~ establish and administer a museum store in the
6 Museum of Florida History to provide information and materials
7 relating to museum exhibits, collections, and programs to the
8 public. The store may produce, acquire, and sell craft
9 products, replicas and reproductions of artifacts, documents,
10 and other merchandise relating to historical and cultural
11 resources and may make a reasonable charge for such
12 merchandise. All proceeds received from sales must be
13 deposited into the Historical Resources Operating Trust Fund
14 or, funds in excess of the amount required to pay employees
15 involved in the direct management of the museum store, may be
16 deposited into a bank account of the a citizen support
17 organization created pursuant to s. 267.17 and may only be
18 used to support the programs of the Museum of Florida History.
19 The museum store may enter into agreements and accept
20 credit-card payments as compensation for goods and products
21 sold. The division may establish accounts in credit-card
22 banks for the deposit of credit-card sales invoices and to pay
23 discounts and service charges in connection with the use of
24 credit cards.

25 ~~(2)(b)~~ The division shall support the establishment
26 and operation of a nonprofit organization or association
27 established pursuant to s. 267.17 to promote and encourage
28 knowledge and appreciation of Florida history and the programs
29 of the Museum of Florida History and to cooperate with
30 historical societies and other organizations to provide
31 funding and promotional support for the programs of the

1 museum. Such organization or association may, with the
2 consent of the division, operate the museum store or conduct
3 special events and programs in the museum. All proceeds must
4 be used to support the programs of the Museum of Florida
5 History.

6 (3)~~(c)~~ The division shall deposit gifts and donations
7 for the purpose of assisting the Museum of Florida History and
8 its programs in the Historical Resources Operating Trust Fund
9 to be used exclusively for the benefit of programs of the
10 museum and in a manner consistent with any terms or conditions
11 agreed to by the division in accepting such gifts.

12 Section 10. Paragraph (d) of subsection (1) of section
13 267.072, Florida Statutes, is renumbered as section 267.073,
14 Florida Statutes, and amended to read:

15 267.073~~(d)~~ Great Floridians Program.--The division
16 shall establish and administer a program, to be entitled the
17 Great Floridians Program, which shall be designed to recognize
18 and record the achievements of Floridians, living and
19 deceased, who have made major contributions to the progress
20 and welfare of this state.

21 (1)~~1~~. The division shall nominate present or former
22 citizens of this state, living or deceased, who during their
23 lives have made major contributions to the progress of the
24 nation or this state and its citizens. Nominations shall be
25 submitted to the Secretary of State who shall select from
26 those nominated not less than two persons each year who shall
27 be honored with the designation "Great Floridian," provided no
28 person whose contributions have been through elected or
29 appointed public service shall be selected while holding any
30 such office.

31

1 ~~(a)2.~~ To enhance public participation and involvement
2 in the identification of any person worthy of being nominated
3 as a Great Floridian, the division shall seek advice and
4 assistance from persons qualified through the demonstration of
5 special interest, experience, or education in the
6 dissemination of knowledge about the state's history.

7 ~~(b)a.~~ In formulating its nominations, the division
8 shall also seek the assistance of the Museum of Florida
9 History Foundation, Inc., or its successor, acting in the
10 capacity as a citizen support organization of the division,
11 pursuant to s. 267.17 and approved to act on behalf of the
12 Museum of Florida History.

13 ~~(c)b.~~ Annually, the division shall convene an ad hoc
14 committee composed of representatives of the Governor, each
15 member of the Florida Cabinet, the President of the Senate,
16 the Speaker of the House of Representatives, and the Museum of
17 Florida History Foundation, Inc. This committee shall meet at
18 least twice. The committee shall nominate not fewer than two
19 persons whose names shall be submitted to the Secretary of
20 State with the recommendation that they be honored with the
21 designation "Great Floridian."

22 ~~(2)3.~~ Upon designation of a person as a Great
23 Floridian by the Secretary of State, the division shall
24 undertake appropriate activities intended to achieve wide
25 public knowledge of the person designated.

26 ~~(a)a.~~ The division may seek to initiate production of
27 a film or videotape depicting the life and contributions of
28 the designee to this state and to the nation. If technology
29 surpasses the use of film or videotape, another medium of
30 equal quality may be used.

31

1 ~~1.(I)~~ In the production of such films, the division
2 shall seek cooperation from local volunteers throughout the
3 state and, in particular, shall seek fundraising and other
4 assistance of the citizen support organization created
5 pursuant to s. 267.17 to support the programs of the Museum of
6 Florida History.

7 ~~2.(II)~~ The Museum of Florida History shall be the
8 repository of the original negative, the original master tape,
9 and all cuttings, of any film or videotape produced under the
10 authority of this paragraph. The division also may exercise
11 the right of trademark over the terms "Great Floridian" or
12 "Great Floridians" pursuant to s. 286.031.

13 ~~3.(III)~~ The division shall arrange for the
14 distribution of copies of all films to the general public,
15 public television stations, educational institutions, and
16 others and may establish a reasonable charge to recover costs
17 associated with production and to provide a source of revenue
18 to assist with reproduction, marketing, and distribution of
19 Great Floridians films. Proceeds from such charges shall be
20 deposited into the Historical Resources Operating Trust Fund.

21 ~~(b)~~ Deceased persons designated as Great Floridians
22 typically shall be recognized by markers affixed to properties
23 significantly associated with the major contributions of the
24 designee. Such markers shall be erected pursuant to the
25 provisions of s. 267.074 ~~267.061(3)(n)~~.

26 Section 11. Section 267.074, Florida Statutes, is
27 created to read:

28 267.074 State Historical Marker Program.--The division
29 shall coordinate and direct the State Historical Marker
30 Program, which shall be a program of popular history and
31 heritage designed to inform the general public about persons,

1 events, structures, and other topics relating to the history
2 and culture of the state; encourage interest in preserving the
3 historical resources of the state and its localities; promote
4 a sense of community and place among Florida citizens; and
5 provide for the enjoyment and edification of tourists.

6 (1) The division shall encourage the initiation of
7 proposals for Official Florida Historical Markers from
8 departments or agencies of the state; units of county,
9 municipal, or other local governments; corporations,
10 partnerships, or other organizations, whether public or
11 private and whether or not for profit; or any individual.
12 Markers may be installed to recognize historic properties, as
13 well as individuals, events, and other topics significant in
14 Florida or American history, architecture, archaeology, or
15 culture.

16 (2) By means of appropriate variations in marker
17 design, the division shall distinguish the following
18 categories of Official Florida Historical Markers:

19 (a) Florida Heritage Landmark markers, which shall be
20 used to identify and interpret Heritage Landmark properties.

21 (b) State Historic Highway markers, which shall be
22 used to identify state historic highways, as provided in
23 general law.

24 (c) Florida Heritage markers, which shall be used to
25 identify and interpret people, events, and places, including
26 buildings and archaeological sites, which do not meet the
27 criteria for a Florida Heritage Landmark, and other subjects
28 relating to Florida history and culture.

29 (d) Other special series of markers which the division
30 may establish to facilitate guiding the general public to
31 places of historic interest and to facilitate identification

1 and interpretation of topics of statewide interest, including,
2 but not limited to, historic and scenic trails, byways, and
3 greenways and anniversaries or other occasions of special
4 significance to the history and culture of Florida.

5
6 The division may exercise the right of trademark over the
7 terms "Florida Heritage" or "Heritage Florida" pursuant to s.
8 286.031.

9 (3) The division shall establish and maintain a
10 central register of all markers installed in each category set
11 out in subsection (2). In addition, the division shall
12 establish and maintain the Florida Register of Heritage
13 Landmarks, a central register of historic properties, which
14 generally shall consist of properties more than 50 years of
15 age deemed worthy of preservation for their exceptional
16 historical significance to the state as a whole or a region of
17 the state and their architectural or archaeological integrity.

18 (a) The division shall adopt rules pursuant to ss.
19 120.536(1) and 120.54 that prescribe criteria and a process
20 for the identification, evaluation, and designation of
21 Heritage Landmark properties, as well as for withdrawal of
22 designation.

23 (b) The division may waive the age requirement of 50
24 years for properties of overwhelming state or national
25 importance; however, it is the intent of the Legislature that
26 exceptions shall rarely be given.

27 (c) The division shall undertake a program to identify
28 and nominate properties eligible for designation as Heritage
29 Landmarks.

30 (d) Designation of private property as a Heritage
31 Landmark does not prohibit under Florida law or regulation any

1 actions which may otherwise be taken by the property owner
2 with respect to the property.

3 (4) The division shall develop a comprehensive plan
4 for the State Historical Marker Program which shall be kept up
5 to date and shall incorporate goals and objectives of the
6 program, as well as policies, plans, and procedures relating
7 to:

8 (a) Categories of Official Florida Historical Markers,
9 criteria for their use, and specifications for design.

10 (b) Selection of subjects to be marked.

11 (c) Published guides to Official Florida Historical
12 Markers, including methods for public distribution.

13 (d) Maintenance of markers.

14 (e) Removal or replacement of markers.

15 (f) Placement of markers at historic sites which shall
16 be, in general, conspicuous and accessible to and easily
17 reached by the public and where something associated with the
18 person, historic property, event, or other subject being
19 marked is still visible.

20 (g) Physical placement of the markers which shall be,
21 in general, conspicuous and easily reached by the public.

22 (5)(a) The division is authorized and empowered to
23 erect and maintain appropriate signs or markers indicating
24 sites of historic interest and value upon public property as
25 well as upon private property where permission is obtained.

26 (b) The Department of Transportation or the governing
27 body of each county or municipality is authorized to permit
28 and assist the division in erecting and maintaining said
29 historic signs or markers within the right-of-way of any state
30 highway, county road, or municipal street, or any other
31 property under its jurisdiction and control, under such

1 conditions and limitations as may be appropriate. The
2 division is hereby vested with the exclusive authority and
3 power to erect and maintain said historic signs or markers
4 within the right-of-way of any state highway.

5 (6) The division shall designate an approved marker as
6 an Official Florida Historical Marker. To ensure a degree of
7 uniformity and quality of historical markers, monuments,
8 plaques, medallions, and similar devices in this state, and to
9 avoid any confusion with or misrepresentation of an Official
10 Florida Historical Marker, no such marker or reasonable
11 facsimile thereof may be fabricated with any emblem, design,
12 or logo signifying another organization. No other emblem,
13 design, or marker size may be used in addition to or instead
14 of those offered by the division for an Official Florida
15 Historical Marker. Emblems, designs, or logos offered by the
16 division are property of the state and may not be used for
17 commercial advertising or copied for the use of any other
18 agency, association, corporation, or individual without the
19 express consent and authorization of the division.

20 (7) The division may establish a reasonable fee to
21 recover its costs arising from review of a proposal for a
22 historical marker, monument, plaque, medallion, or similar
23 device. Any fee established shall be payable by the applicant
24 for the marker, monument, plaque, medallion, or similar
25 device.

26 (8) Funds for the creation and placement of an
27 Official Florida Historical Marker shall be provided by the
28 agency, organization, individual, or other entity proposing
29 the marker. The division may erect Official Florida
30 Historical Markers at its own expense and may make competitive
31 grants from the Historical Resources Operating Trust Fund,

1 pursuant to s. 267.0617, to assist in funding the costs of
2 Official Florida Historical Markers. All Official Florida
3 Historical Markers shall be considered property of the state.

4 (9) The division shall seek cooperation from local
5 volunteers throughout the state and, where appropriate, shall
6 encourage the establishment of citizen support organizations,
7 pursuant to s. 267.17, to assist in maintaining Official
8 Florida Historical Markers and facilitating public access to
9 places marked.

10 Section 12. Section 267.0743, Florida Statutes, is
11 created to read:

12 267.0743 State Historical Marker Council.--In order to
13 enhance public participation and involvement in the
14 identification and interpretation of subjects relating to the
15 history and culture of Florida, there is created the "State
16 Historical Marker Council."

17 (1) The council shall consist of three members who
18 represent different areas of the state, are appointed by the
19 Secretary of State, and are qualified through the
20 demonstration of special interest, experience, or education in
21 interpretation of the state's history and historical
22 properties. Each member shall have professional training and
23 experience in one or more of the following fields: history,
24 historic preservation, architecture, architectural history, or
25 archaeology.

26 (2) Members shall be appointed for 2-year terms,
27 except for an appointment to fill an unexpired term, in which
28 event the appointment shall be for the remainder of the
29 unexpired term only. No person shall serve more than two
30 consecutive terms on the council.

31

1 (3) The director of the division or his or her
2 designee shall serve without voting rights as secretary to the
3 council. The division shall provide necessary staff
4 assistance to the council.

5 (4) The council shall meet at the request of the
6 division or at the request of a majority of its membership to
7 carry out its responsibilities, however, the council need not
8 convene a meeting but may give advice by means of written or
9 telephonic communication. Members shall serve without pay,
10 but shall be entitled to reimbursement for their expenses in
11 carrying out their official duties, as provided in s. 112.061.

12 (5) It shall be the responsibility of the council to
13 provide assistance, advice, and recommendations to the
14 division in evaluating proposals for Official Florida
15 Historical Markers and identifying goals for the State
16 Historical Marker Program. The process of evaluation shall
17 seek to establish the significance of the subject proposed for
18 a marker, but neither the division nor the council shall make
19 proposal or evaluation requirements so complex or onerous as
20 to preclude private citizens from directly submitting
21 proposals without professional assistance.

22 Section 13. Section 267.081, Florida Statutes, is
23 amended to read:

24 267.081 Publications.--

25 (1) It is the duty of the division to:

26 (a)~~(1)~~ Promote and encourage the writing of Florida
27 history.

28 (b)~~(2)~~ Collect, edit, publish, and print pamphlets,
29 papers, manuscripts, documents, books, monographs, and other
30 materials relating to Florida history. The division may
31 establish a reasonable charge for such publications.

1 ~~(c)(3)~~ Cooperate with and coordinate research and
2 publication activities of other agencies, organizations,
3 historical commissions and societies, corporations, and
4 individuals, which relate to historical matters.

5 ~~(d)(4)~~ Hold any moneys received from the sale of
6 publications by the division in the operating trust fund of
7 the division or in a separate depository account in the name
8 of a citizen-support organization formed pursuant to s. 267.17
9 and subject to the provision of a letter of agreement with the
10 division.

11 (2) The division may exercise the right of trademark
12 and service mark over the terms "Florida History & the Arts"
13 or "Florida History and the Arts" pursuant to s. 286.031.

14 Section 14. Section 267.115, Florida Statutes, is
15 created to read:

16 267.115 Objects of historical or archaeological
17 value.--The division shall acquire, maintain, preserve,
18 interpret, exhibit, and make available for study objects which
19 have intrinsic historical or archaeological value relating to
20 the history, government, or culture of the state. Such objects
21 may include tangible personal property of historical or
22 archaeological value. Objects acquired under this section
23 belong to the state, and title to such objects is vested in
24 the division.

25 (1) Notwithstanding s. 273.02, the division shall
26 maintain an adequate record of all objects in its custody
27 which have a historical or archaeological value. Once each
28 year, on July 1 or as soon thereafter as practicable, the
29 division shall take a complete inventory of all such objects
30 in its custody the value or cost of which is \$500 or more and
31 a sample inventory of such objects the value or cost of which

1 is less than \$500. Each inventory shall be compared with the
2 property record, and all discrepancies shall be traced and
3 reconciled. Objects of historical or archaeological value are
4 not required to be identified by marking or other physical
5 alteration of the objects.

6 (2) The division may arrange for the temporary or
7 permanent loan of any object which has historical or
8 archaeological value in its custody. Such loans shall be for
9 the purpose of assisting historical, archaeological, or other
10 studies; providing objects relating to interpretive exhibits
11 and other educational programs which promote knowledge and
12 appreciation of Florida history and the programs of the
13 division; or assisting the division in carrying out its
14 responsibility to ensure proper curation of the objects.

15 (3) The division may determine from time to time that
16 an object which is in its custody and which is owned by the
17 state has no further use or value for the research, exhibit,
18 or educational programs of the division, or that such an
19 object will receive more appropriate maintenance and
20 preservation by another agency, institution, or organization,
21 and may loan, exchange, sell, or otherwise transfer ownership
22 and custody of such object to another agency, institution, or
23 organization for the purpose of ensuring the continued
24 maintenance and preservation of such object, or for the
25 purpose of acquiring another object which better serves the
26 interests of the state and is more appropriate for promoting
27 knowledge and appreciation of Florida history and the programs
28 of the division.

29 (4) For the purpose of the exchange, sale, or other
30 transfer of objects of historical or archaeological value, the
31 division is exempt from chapter 273.

1 (5) All moneys received from the sale of an object
2 which has historical or archaeological value pursuant to
3 subsection (3) shall be deposited in the Historical Resources
4 Operating Trust Fund and shall be used exclusively for the
5 acquisition of additional historical and archaeological
6 objects or the preservation and maintenance of any such
7 objects in the custody of the division.

8 (6) The division shall adopt rules pursuant to ss.
9 120.536(1) and 120.54 that prescribe criteria for the
10 inventory and for the loan, exchange, sale, transfer, or other
11 disposal of state-owned objects of historical or
12 archaeological value.

13 (7) Any custodian as defined in s. 273.01(1) who
14 violates any provision of this section or any rule adopted
15 pursuant to this section commits a misdemeanor of the second
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 (8) Notwithstanding any provision of s. 287.022 or s.
18 287.025(1)(e), the division may enter into contracts to insure
19 museum collections, artifacts, relics, and fine arts to which
20 it holds title.

21 (9) The division may implement a program to administer
22 finds of isolated historic artifacts from state-owned river
23 bottoms whereby the division may transfer ownership of such
24 artifacts to the finder in exchange for information about the
25 artifacts and the circumstances and location of their
26 discovery.

27 Section 15. Subsection (1) of section 267.13, Florida
28 Statutes, is amended, and subsection (4) is added to said
29 section to read:

30 267.13 Prohibited practices; penalties.--
31

1 (1)(a) Any person who by means other than excavation
2 either conducts archaeological field investigations on, or
3 removes or attempts to remove, or defaces, destroys, or
4 otherwise alters any archaeological site or specimen located
5 upon, any land owned or controlled by the state or within the
6 boundaries of a designated state archaeological landmark or
7 landmark zone, except in the course of activities pursued
8 under the authority of a permit or under procedures relating
9 to accredited institutions granted by the division, commits a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083, and, in addition, shall forfeit to the
12 state all specimens, objects, and materials collected,
13 together with all photographs and records relating to such
14 material.

15 (b) Any person who by means of excavation either
16 conducts archaeological field investigations on, or removes or
17 attempts to remove, or defaces, destroys, or otherwise alters
18 any archaeological site or specimen located upon, any land
19 owned or controlled by the state or within the boundaries of a
20 designated state archaeological landmark or landmark zone,
21 except in the course of activities pursued under the authority
22 of a permit or under procedures relating to accredited
23 institutions granted by the division, commits a felony of the
24 third degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084, and any vehicle or equipment of any
26 person used in connection with the violation is subject to
27 forfeiture to the state if it is determined by any court of
28 law that the vehicle or equipment was involved in the
29 violation. Such person shall forfeit to the state all
30 specimens, objects, and materials collected or excavated,
31 together with all photographs and records relating to such

1 material. The court may also order the defendant to make
2 restitution to the state for the archaeological or commercial
3 value and cost of restoration and repair as defined in
4 subsection (4)~~damage and the cost of restoring the affected~~
5 ~~resource as provided in s. 775.089.~~

6 (c) Any person who offers for sale or exchange any
7 object with knowledge that it has previously been collected or
8 excavated in violation of any of the terms of ss.
9 267.11-267.14, or who procures, counsels, solicits, or employs
10 any other person to violate any prohibition contained in ss.
11 267.11-267.14 or to sell, purchase, exchange, transport,
12 receive, or offer to sell, purchase, or exchange any
13 archaeological resource excavated or removed from any land
14 owned or controlled by the state or within the boundaries of a
15 designated state archaeological landmark or landmark zone,
16 except with the express consent of the division, commits a
17 felony of the third degree, punishable as provided in s.
18 775.082, s. 775.083, or s. 775.084, and any vehicle or
19 equipment of any person used in connection with the violation
20 is subject to forfeiture to the state if it is determined by
21 any court of law that such vehicle or equipment was involved
22 in the violation. All specimens, objects, and material
23 collected or excavated, together with all photographs and
24 records relating to such material, shall be forfeited to the
25 state. The court may also order the defendant to make
26 restitution to the state for the archaeological or commercial
27 value and cost of restoration and repair as defined in
28 subsection (4)~~damage and the cost of restoring the affected~~
29 ~~resource as provided in s. 775.089.~~

30 (4) DETERMINATION OF ARCHAEOLOGICAL OR COMMERCIAL
31 VALUE AND COST OF RESTORATION AND REPAIR.--

1 (a) Archaeological value. For purposes of this
2 section, the archaeological value of any archaeological
3 resource involved in a violation of the prohibitions in ss.
4 267.11-267.14 or conditions of a permit issued pursuant to ss.
5 267.11-267.14 shall be the value of the data associated with
6 the archaeological resource. This value shall be appraised in
7 terms of the costs of the retrieval of the scientific
8 information which would have been obtainable prior to the
9 violation. These costs may include, but need not be limited
10 to, the cost of preparing a research design, conducting field
11 work, carrying out laboratory analysis, and preparing reports
12 as would be necessary to realize the information potential.

13 (b) Commercial value. For purposes of this section,
14 the commercial value of any archaeological resource involved
15 in a violation of the prohibitions in ss. 267.11-267.14 or
16 conditions of a permit issued pursuant ss. 267.11-267.14 shall
17 be its fair market value. Where the violation has resulted in
18 damage to the archaeological resource, the fair market value
19 should be determined using the condition of the archaeological
20 resource prior to the violation, to the extent that its prior
21 condition can be ascertained.

22 (c) Cost of restoration and repair. For purposes of
23 this section, the cost of restoration and repair of
24 archaeological resources damaged as a result of a violation of
25 prohibitions or conditions pursuant to this section shall be
26 the sum of the costs already incurred for emergency
27 restoration or repair work, plus those costs projected to be
28 necessary to complete restoration and repair, which may
29 include, but need not be limited to, the costs of the
30 following:

- 31 1. Reconstruction of the archaeological resource.

- 1 2. Stabilization of the archaeological resource.
- 2 3. Ground contour reconstruction and surface
- 3 stabilization.
- 4 4. Research necessary to carry out reconstruction or
- 5 stabilization.
- 6 5. Physical barriers or other protective devices,
- 7 necessitated by the disturbance of the archaeological
- 8 resource, to protect it from further disturbance.
- 9 6. Examination and analysis of the archaeological
- 10 resource, including recording remaining archaeological
- 11 information, where necessitated by disturbance, in order to
- 12 salvage remaining values which cannot be otherwise conserved.
- 13 7. Reinterment of human remains in accordance with
- 14 religious custom and state, local, or tribal law, where
- 15 appropriate, as determined by the land manager.
- 16 8. Preparation of reports relating to any of the
- 17 activities described in this paragraph.

18 Section 16. Section 267.14, Florida Statutes, is
19 amended to read:

20 267.14 Legislative intent.--It is hereby declared to
21 be the public policy of the state to preserve archaeological
22 sites and objects of antiquity for the public benefit and to
23 limit exploration, excavation, and collection of such matters
24 to qualified persons and educational institutions possessing
25 the requisite skills and purpose to add to the general store
26 of knowledge concerning history, archaeology, and
27 anthropology.It is further declared to be the public policy
28 of the state ~~the declared intention of the Legislature~~ that
29 field investigation activities on privately owned lands should
30 be discouraged except in accordance with both the provisions
31 and spirit of ss. 267.11-267.14; and persons having knowledge

1 of the location of archaeological sites are encouraged to
2 communicate such information to the division.

3 Section 17. Effective July 1, 2001, section 267.173,
4 Florida Statutes, is created to read:

5 267.173 Historic preservation in West Florida; goals;
6 contracts for historic preservation; powers and duties.--

7 (1) The goal for contracting with the University of
8 West Florida is to ensure long-term preservation and
9 interpretation of state-owned historic properties under the
10 jurisdiction of the Historic Pensacola Preservation Board of
11 Trustees while facilitating an educational program at the
12 University of West Florida that will be responsive to the
13 state's needs for professionals in historic preservation,
14 archaeology, cultural resource management, and museum
15 administration and will help meet needs of West Florida
16 communities through educational internships and practicums.

17 (2) The Department of State shall contract with the
18 University of West Florida for the management of the various
19 state-owned properties managed by the Historic Pensacola
20 Preservation Board of Trustees prior to July 1, 2001. The
21 contract shall provide that the University of West Florida
22 shall use all proceeds derived from the management of these
23 state-owned properties for the purpose of advancing historic
24 preservation.

25 (3) The Department of State may transfer ownership and
26 responsibility to any artifacts, documents, equipment, and
27 other forms of tangible personal property to the University of
28 West Florida to assist the university in the transition of the
29 management of the state-owned properties. All records,
30 personnel, property, other than real property held under lease
31 by the department from the Board of Trustees of the Internal

1 Improvement Trust Fund, and unexpended balances of
2 appropriations, allocations, or other funds of the Historic
3 Pensacola Board of Trustees shall be transferred to the
4 University of West Florida to be used for its historic
5 preservation activities and responsibilities as set forth in
6 the contract with the Department of State. The transfer of
7 segregated funds must be made in such a manner that the
8 relation between program and revenue source as provided by law
9 is retained.

10 (4)(a) The University of West Florida is the governing
11 body for the management and maintenance of state-owned
12 properties contracted by this section and shall exercise those
13 powers delegated to it by contract as well as performing all
14 lawful acts necessary and convenient and incident to the
15 effectuating of its function and purpose under this section
16 and s. 267.1732. The University of West Florida may contract
17 with its direct-support organization described in s. 267.1732
18 to perform all acts that are lawful and permitted for
19 not-for-profit corporations under chapter 617 in assisting the
20 university in carrying out its historic preservation and
21 historic preservation education responsibilities.

22 (b) The university or its direct-support organization,
23 if permitted in its contract with the university, shall have
24 the power to engage in any lawful business or activity to
25 establish, maintain, and operate the state-owned facilities
26 and properties under contract with the Department of State,
27 including, but not limited to:

28 1. The renting or leasing for revenue of any land,
29 improved or restored real estate, or personal property
30 directly related to carrying out the purposes for historic
31 preservation under terms and conditions of the contract with

1 the Department of State and deemed by the university to be in
2 the best interest of the state.

3 2. The selling of craft products created through the
4 operation and demonstration of historical museums, craft
5 shops, and other facilities.

6 3. The limited selling of merchandise relating to the
7 historical and antiquarian period of Pensacola and its
8 surrounding territory and the historical period of West
9 Florida from the Apalachicola River to the western boundaries
10 of the state.

11 (c) The university or its direct-support organization,
12 if permitted in its contract with the university, shall have
13 the authority to:

14 1. Enter into agreements to accept credit card
15 payments as compensation, and establish accounts in credit
16 card banks for the deposit of credit card sales invoices.

17 2. Fix and collect charges for admission to any of the
18 state-owned facilities under contract with the Department of
19 State.

20 3. Permit the acceptance of tour vouchers issued by
21 tour organizations or travel agents for payment of admissions.

22 4. Adopt and enforce reasonable rules to govern the
23 conduct of the visiting public.

24 (5) The Division of Historical Resources in the
25 Department of State may contract with the University of West
26 Florida to serve as the regional office for the West Florida
27 region of the state from the Apalachicola River to the western
28 boundaries of the state. In lieu of the establishment of a
29 citizen support organization as required by s. 267.031(5)(m),
30 the University of West Florida may use an existing
31 direct-support organization of the university provided that

1 the membership of the direct-support organization is
2 representative of the area of the state to be served and
3 provides the needed expertise in the area of historic
4 preservation.

5 (6) Notwithstanding the provisions of s. 287.057, the
6 University of West Florida or its direct-support organization
7 may enter into contracts or agreements with or without
8 competitive bidding, in its discretion, for the protection or
9 preservation of historic properties.

10 (7) Notwithstanding s. 273.055, the University of West
11 Florida may exchange, sell, or otherwise transfer any
12 artifact, document, equipment and other form of tangible
13 personal property if its direct-support organization
14 recommends such exchange, sale, or transfer to the president
15 of the university and if it is determined that the object is
16 no longer appropriate for the purpose of advancing historic
17 preservation.

18 (8) Notwithstanding any other provision of law, the
19 University of West Florida and its direct-support organization
20 are eligible to match state funds in the Trust Fund for Major
21 Gifts established pursuant to s. 240.2605.

22 Section 18. Effective July 1, 2001, section 266.0018,
23 Florida Statutes, is renumbered as section 267.1732, Florida
24 Statutes, and amended to read:

25 267.1732 ~~266.0018~~ Direct-support organization.--

26 (1) The University of West Florida shall ~~Historic~~
27 ~~Pensacola Preservation Board of Trustees may~~ authorize a
28 direct-support organization to assist the university board in
29 carrying out its dual historic preservation and historic
30 preservation education purposes and responsibilities for the
31 City of Pensacola, Escambia County, and West Florida by

1 raising money; submitting requests for and receiving grants
2 from the Federal Government, the state or its political
3 subdivisions, private foundations, and individuals; receiving,
4 holding, investing, and administering property; and making
5 expenditures to or for the benefit of the university board.
6 The sole purpose for the direct-support organization is to
7 support the historic preservation efforts and the historic
8 preservation education programs and initiatives of the
9 university board. Such a direct-support organization is an
10 organization that is:

11 (a) Incorporated under the provisions of chapter 617
12 and approved by the Department of State ~~department~~ as a
13 Florida corporation not for profit;

14 (b) Organized and operated to receive, hold, invest,
15 and administer property and to make expenditures to or for the
16 benefit of the university board; and

17 (c) Approved by the university board ~~and the~~
18 ~~department~~ to be operating for the benefit of and in a manner
19 consistent with the goals of the university ~~the board~~ and in
20 the best interest of the state.

21 (2) The number of the board of directors of the
22 direct-support organization shall be determined by the
23 president of the university. However, the current members of
24 the board of directors of the direct-support organization for
25 the Historic Pensacola Preservation Board of Trustees shall be
26 members of the board of directors of the direct-support
27 organization for the university for the duration of their
28 appointed terms. Additional members or members to fill
29 vacancies shall be appointed by the president of the
30 university in consultation with the board of directors of the
31 direct-support organization. Membership on the board of

1 directors of the direct-support organization shall include the
2 professional expertise to ensure the university meeting its
3 dual purposes of historic preservation and historic
4 preservation education to include, but not be limited to, a
5 licensed architect who has expertise in historic preservation
6 and architectural history, a professional historian in the
7 field of American history, and a professional archaeologist.
8 All board members must have demonstrated interest in the
9 preservation of Florida's historical and archaeological
10 heritage. Membership on the board of directors must be
11 representative of the areas of West Florida served by the
12 direct-support organization and the university in its
13 preservation efforts. The president of the university, or the
14 president's designee, shall serve as a member of the board of
15 directors.

16 (3)(2) The direct-support organization shall operate
17 under written contract with the university board. The
18 contract must provide for:

19 (a) Approval of the articles of incorporation and
20 bylaws of the direct-support organization by the university
21 ~~board and the department~~.

22 (b) Submission of an annual budget for the approval of
23 the university board. The budget must comply with rules
24 adopted by the university board.

25 (c) Certification by the university board that the
26 direct-support organization is complying with the terms of the
27 contract and in a manner consistent with the historic
28 preservation goals and purposes of the university board and in
29 the best interest of the state. Such certification must be
30 made annually by the university and reported in the official
31 minutes of a meeting of the university board.

1 (d) The reversion to the university board, or the
2 state if the university board ceases to exist, of moneys and
3 property held in trust by the direct-support organization for
4 the benefit of the university board if the direct-support
5 organization is no longer approved to operate for the
6 university board, or the university board ceases to exist, ~~and~~
7 ~~if such moneys and property were acquired after October 1,~~
8 ~~1986.~~

9 (e) The fiscal year of the direct-support
10 organization, which must begin July 1 of each year and end
11 June 30 of the following year.

12 (f) The disclosure of material provisions of the
13 contract and the distinction between the University of West
14 Florida board of trustees and the direct-support organization
15 to donors of gifts, contributions, or bequests, as well as on
16 all promotional and fundraising publications.

17 ~~(3) The members of the direct-support organization's~~
18 ~~board of directors must include members of the board of~~
19 ~~trustees.~~

20 (4) The university board may authorize a
21 direct-support organization to use its property (except
22 money), facilities, and personal services, subject to the
23 provisions of this section and s. 240.299. A direct-support
24 organization that does not provide equal employment
25 opportunities to all persons regardless of race, color,
26 religion, sex, age, or national origin may not use the
27 property, facilities, or personal services of the university
28 board. For the purposes of this subsection, the term
29 "personal services" includes full-time personnel and part-time
30 personnel as well as payroll processing.

31

1 (5) The university board shall establish policies and
2 may adopt rules pursuant to s. 240.299 prescribing the
3 procedures by which the direct-support organization is
4 governed and any conditions with which a direct-support
5 organization must comply to use property, facilities, or
6 personal services of the university board.

7 (6) Any moneys may be held in a separate depository
8 account in the name of the direct-support organization and
9 subject to the provisions of the contract with the university
10 board. Such moneys may include lease income, admissions
11 income, membership fees, private donations, income derived
12 from fundraising activities, and grants applied for and
13 received by the direct-support organization.

14 (7) The direct-support organization shall provide for
15 an annual financial and compliance audit of its financial
16 accounts and records by an independent certified public
17 accountant in accordance with generally accepted accounting
18 standards ~~rules established by the board~~. The annual audit
19 report must be submitted to the university board for review
20 and approval. The university, the Auditor General, and others
21 authorized in s. 240.299 shall have the authority to require
22 and receive from the direct-support organization, or from its
23 independent auditor, any detail or supplemental data relative
24 to the operation of the organization. Upon approval, the
25 university board shall certify the audit report to the Auditor
26 General for review.

27 (8) The identity of a donor or prospective donor of
28 property to a direct-support organization who desires to
29 remain anonymous, and all information identifying such donor
30 or prospective donor, is confidential and exempt from the
31 provisions of s. 119.07(1) and s. 24(a), Art. I of the State

1 Constitution; and that anonymity must be maintained in the
2 auditor's report. The university and the Auditor General shall
3 have access to all records of the direct-support organization
4 at any time it is requested ~~he or she so requests~~.

5 (9) Provisions governing direct-support organizations
6 in s. 240.99 and not provided in this section shall apply to
7 the direct-support organization.

8 Section 19. This act shall not affect the validity of
9 any judicial or administrative action involving the Historic
10 Pensacola Preservation Board of Trustees pending as of July 1,
11 2001. The Department of State shall be substituted as of that
12 date for the Historic Pensacola Preservation Board of Trustees
13 as a party in interest in any such pending action.

14 Section 20. Paragraph (h) of subsection (2) of section
15 607.1901, Florida Statutes, is amended to read:

16 607.1901 Corporations Trust Fund creation; transfer of
17 funds.--

18 (2)

19 (h) The division shall transfer from the trust fund to
20 the Historical Resources Operating Trust Fund, quarterly,
21 prorations transferring \$1.5 million each fiscal year, to be
22 used as provided in s. 267.0619 ~~267.072~~.

23 Section 21. Paragraph (e) of subsection (2) of section
24 872.05, Florida Statutes, is amended to read:

25 872.05 Unmarked human burials.--

26 (2) DEFINITIONS.--As used in this section:

27 (e) "State Archaeologist" means the person employed by
28 the division pursuant to s. 267.031(6) ~~267.061(4)~~.

29 Section 22. Except as otherwise provided herein, this
30 act shall take effect January 1, 2002.

31

HOUSE SUMMARY

Repeals pt. I of chapter 266, F.S., to eliminate general provisions relating to historic preservation boards of trustees and the responsibilities of the Department of State with respect thereto. Repeals various provisions of pt. II of chapter 266, F.S., to eliminate the Historic Pensacola Board of Trustees.

Provides powers and duties of the Division of Historical Resources. Provides for the establishment of historic preservation regional offices to assist the division in the delivery of historic preservation services to the counties and municipalities of the state. Provides for location of regional offices and requires the division to establish a citizen support organization for each regional office. Requires the division to establish and maintain a central inventory of historic properties. Requires the employment of a state archaeologist, a State Historic Preservation Officer, and historic preservation specialists.

Eliminates the Historic Preservation Advisory Council and creates the Florida Historical Commission. Provides powers and duties of the commission. Provides composition of the commission. Provides for initial membership and subsequent appointments, terms, organization, and responsibilities of the commission. Provides that specified members of the commission shall sit as Florida's National Register Review Board.

Defines special category historic preservation grants-in-aid and requires review of such grants by the commission. Provides for review of other grants by grant review panels.

Renumbers provisions relating to historical museum grants and revises provisions with respect to grant application review to provide that grant review panels appointed by the Secretary of State shall review grant applications and make recommendations for the award of grants. Renumbers provisions relating to the Great Floridians Program.

Recreates various provisions within ch. 267, F.S., that are repealed by the act, relating to the Historical Marker Program, the State Historical Marker Council, and the authority of the Division of Historical Resources with respect to objects of historical or archaeological value, as separate sections of ch. 267, F.S.

Authorizes the division to exercise the right of trademark and service mark over specified terms. Revises

1 provisions with respect to restitution for the commission
2 of prohibited practices under ch. 267, F.S., and defines
3 value elements for purposes of determining restitution.
4 Provides public policy of the state with respect to
5 preservation of archaeological sites and objects of
6 antiquity.

7 Requires the Department of State to contract with the
8 University of West Florida for management of various
9 state-owned properties managed by the Historic Pensacola
10 Preservation Board of Trustees prior to July 1, 2001.
11 Provides contract goals. Requires specified use of
12 proceeds from the management of such properties.
13 Authorizes transfer and ownership of artifacts,
14 documents, and properties to the university. Provides for
15 transfer of records, property, personnel, and funds of
16 the Historic Pensacola Board of Trustees to the
17 university. Specifies powers and duties of the
18 university. Authorizes the university to contract with
19 its direct-support organization for specified purposes.
20 Authorizes the Department of State to contract with the
21 university to serve as a regional office. Provides an
22 exception to the requirement that the division establish
23 a separate direct-support organization for each regional
24 office established, to authorize the university's
25 utilization of an existing direct-support organization in
26 such capacity.

27 Requires the authorization of a direct-support
28 organization to assist the university in historic
29 preservation and historic preservation education purposes
30 and responsibilities. Provides membership criteria and
31 provides for selection of members. Provides contract and
other governance requirements of the organization.

Provides for preservation of the validity of judicial or
administrative actions involving the Historic Pensacola
Preservation Board of Trustees as of July 1, 2001.