

1
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. Additionally these
8 commission members shall serve as the legislative historic
9 preservation advisory body to the speaker and the president
10 with respect to the collection and preservation of the
11 historic records of both houses of the Legislature. Commission
12 members appointed by the Governor shall be appointed to 4-year
13 terms. Vacancies shall be filled for the remainder of the
14 term and by the original appointing authority.

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

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

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

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1 (6) It shall be the responsibility of the commission
2 to provide assistance, advice, and recommendations to the
3 division in:

4 (a) Establishing priorities for the identification,
5 acquisition, protection, and preservation of historic and
6 archaeological sites and properties.

7 (b) Establishing criteria for use in assessing the
8 significance of historic and archaeological sites and
9 properties.

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

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

24 (e) Identifying and expressing public goals for
25 historic preservation and gathering public ideas necessary for
26 the formulation of alternative policies.

27 (f) Recommending rules relating to the historic
28 preservation programs administered by the division pursuant to
29 this chapter.

30 (7) It shall be the additional responsibility of the
31 commission to provide such other assistance and advice to the

1 division as required by this chapter and as may be required
2 from time to time in matters pertaining to the protection and
3 preservation of the state's historic and archaeological sites
4 and properties.

5 (8) The five members appointed by the Governor from
6 the professions designated in paragraph (1)(a) shall sit as
7 Florida's National Register Review Board and shall perform the
8 duties of that board established by the National Historic
9 Preservation Act of 1966, as amended. If a vacancy exists in
10 one of the five designated seats, the division director shall
11 assign another member of the Florida Historical Commission to
12 serve until the vacancy is filled.

13 Section 6. Subsections (3) and (5) of section
14 267.0617, Florida Statutes, are amended to read:

15 267.0617 Historic Preservation Grant Program.--

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

1 ~~council~~ for the award of grants, arranged in order of
2 priority. ~~The division may allocate grants only for projects~~
3 ~~that are approved or for which funds are appropriated by the~~
4 ~~Legislature.~~

5 (5) The Division of Historical Resources shall adopt
6 rules prescribing the criteria to be applied by the Florida
7 Historical Commission and the grant review panels ~~Historic~~
8 ~~Preservation Advisory Council~~ in recommending applications for
9 the award of grants and rules providing for the administration
10 of the other provisions of this section.

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

13 267.062 Naming of state buildings and other
14 facilities.--

15 (2) The division shall, after consulting with the
16 Florida Historical Commission ~~appropriate citizens~~
17 ~~committees~~, recommend several persons whose contributions to
18 the state have been of such significance that the division may
19 recommend that state buildings and facilities be named for
20 them.

21 Section 8. Subsection (2) of section 267.072, Florida
22 Statutes, is renumbered as section 267.0619, Florida Statutes,
23 and amended to read:

24 267.0619(2)(a) Historical Museum Grants.--The
25 division may conduct a program to provide:

26 (1)(a)~~1.~~ Grants from the Historical Resources
27 Operating Trust Fund, including matching grants, to a
28 department or agency of the state; a unit of county,
29 municipal, or other local government; or a public or private
30 profit or nonprofit corporation, partnership, or other
31 organization to assist in the development of public

1 educational exhibits relating to the historical resources of
2 Florida; and

3 (b)2. Grants from the Historical Resources Operating
4 Trust Fund to Florida history museums that are not
5 state-operated to assist such museums in paying for operating
6 costs.

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

10 (a)1. The mission of the museum must relate directly
11 and primarily to the history of Florida. If the museum has
12 more than one mission, the museum is eligible to receive a
13 grant for that portion of the operating costs which is
14 reasonably attributable to its mission relating to the history
15 of Florida;

16 (b)2. The museum must have been operating and open to
17 the public for at least 180 days each year during the 2-year
18 period immediately preceding the date upon which the museum
19 applies for the grant;

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

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

29 (3)~~(c)~~ An application for a grant must be made to the
30 division on a form provided by the division. The division
31 shall adopt rules prescribing categories of grants,

1 application requirements, criteria and procedures for the
2 review and evaluation of applications, and other procedures
3 necessary for the administration of the program, subject to
4 the requirements of this section. Grant review panels
5 appointed by the Secretary of State and chaired by a member of
6 the Florida Historical Commission shall review each
7 application for a museum grant-in-aid. The review panel shall
8 submit to the Secretary of State for approval lists of all
9 applications that are recommended by the panel for the award
10 of grants, arranged in order of priority.~~The division shall~~
11 ~~provide opportunities for persons from different areas of the~~
12 ~~state who, due to education, experience, or special interest,~~
13 ~~are knowledgeable about the development and operation of~~
14 ~~historical museums or historical exhibits for public education~~
15 ~~to evaluate the applications and shall consider their~~
16 ~~evaluations and recommendations in selecting the applicants~~
17 ~~that it will recommend to the Secretary of State to receive~~
18 ~~grants. The division shall submit a list of such applicants,~~
19 ~~arranged in order of priority, to the Secretary of State. The~~
20 division may award a grant to a Florida history museum only if
21 the award has been approved by the Secretary of State.

22 (4)(d) Money received as an appropriation or
23 contribution to the grants program must be deposited into the
24 Historical Resources Operating Trust Fund. Money appropriated
25 from general revenue to the trust fund for the program may not
26 be granted to a private for-profit museum. Money appropriated
27 from any source to the trust fund for the program may not be
28 granted to pay the cost of locating, identifying, evaluating,
29 acquiring, preserving, protecting, restoring, rehabilitating,
30 stabilizing, or excavating an archaeological or historic site
31

1 or a historic building or the planning of any of those
2 activities.

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

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

9 267.072 Museum of Florida History programs.--

10 (1) The division shall+

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

31

1 ~~(2)(b)~~ The division shall support the establishment
2 and operation of a nonprofit organization or association
3 established pursuant to s. 267.17 to promote and encourage
4 knowledge and appreciation of Florida history and the programs
5 of the Museum of Florida History and to cooperate with
6 historical societies and other organizations to provide
7 funding and promotional support for the programs of the
8 museum. Such organization or association may, with the
9 consent of the division, operate the museum store or conduct
10 special events and programs in the museum. All proceeds must
11 be used to support the programs of the Museum of Florida
12 History.

13 ~~(3)(c)~~ The division shall deposit gifts and donations
14 for the purpose of assisting the Museum of Florida History and
15 its programs in the Historical Resources Operating Trust Fund
16 to be used exclusively for the benefit of programs of the
17 museum and in a manner consistent with any terms or conditions
18 agreed to by the division in accepting such gifts.

19 Section 10. Paragraph (d) of subsection (1) of section
20 267.072, Florida Statutes, is renumbered as section 267.073,
21 Florida Statutes, and amended to read:

22 267.073~~(d)~~ Great Floridians Program.--The division
23 shall establish and administer a program, to be entitled the
24 Great Floridians Program, which shall be designed to recognize
25 and record the achievements of Floridians, living and
26 deceased, who have made major contributions to the progress
27 and welfare of this state.

28 (1)~~1.~~ The division shall nominate present or former
29 citizens of this state, living or deceased, who during their
30 lives have made major contributions to the progress of the
31 nation or this state and its citizens. Nominations shall be

1 submitted to the Secretary of State who shall select from
2 those nominated not less than two persons each year who shall
3 be honored with the designation "Great Floridian," provided no
4 person whose contributions have been through elected or
5 appointed public service shall be selected while holding any
6 such office.

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

13 (b)~~a~~. In formulating its nominations, the division
14 shall also seek the assistance of the Museum of Florida
15 History Foundation, Inc., or its successor, acting in the
16 capacity as a citizen support organization of the division,
17 pursuant to s. 267.17 and approved to act on behalf of the
18 Museum of Florida History.

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

28 (2)~~3~~. Upon designation of a person as a Great
29 Floridian by the Secretary of State, the division shall
30 undertake appropriate activities intended to achieve wide
31 public knowledge of the person designated.

1 (a)~~a~~. The division may seek to initiate production of
2 a film or videotape depicting the life and contributions of
3 the designee to this state and to the nation. If technology
4 surpasses the use of film or videotape, another medium of
5 equal quality may be used.

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

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

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

26 (b)~~b~~. Deceased persons designated as Great Floridians
27 typically shall be recognized by markers affixed to properties
28 significantly associated with the major contributions of the
29 designee. Such markers shall be erected pursuant to the
30 provisions of s. 267.074 ~~267.061(3)(n)~~.

31

1 Section 11. Section 267.074, Florida Statutes, is
2 created to read:

3 267.074 State Historical Marker Program.--The division
4 shall coordinate and direct the State Historical Marker
5 Program, which shall be a program of popular history and
6 heritage designed to inform the general public about persons,
7 events, structures, and other topics relating to the history
8 and culture of the state; encourage interest in preserving the
9 historical resources of the state and its localities; promote
10 a sense of community and place among Florida citizens; and
11 provide for the enjoyment and edification of tourists.

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

22 (2) By means of appropriate variations in marker
23 design, the division shall distinguish the following
24 categories of Official Florida Historical Markers:

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

27 (b) State Historic Highway markers, which shall be
28 used to identify state historic highways, as provided in
29 general law.

30 (c) Florida Heritage markers, which shall be used to
31 identify and interpret people, events, and places, including

1 buildings and archaeological sites, which do not meet the
2 criteria for a Florida Heritage Landmark, and other subjects
3 relating to Florida history and culture.

4 (d) Other special series of markers which the division
5 may establish to facilitate guiding the general public to
6 places of historic interest and to facilitate identification
7 and interpretation of topics of statewide interest, including,
8 but not limited to, historic and scenic trails, byways, and
9 greenways and anniversaries or other occasions of special
10 significance to the history and culture of Florida.

11
12 The division may exercise the right of trademark over the
13 terms "Florida Heritage" or "Heritage Florida" pursuant to s.
14 286.031.

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

24 (a) The division shall adopt rules pursuant to ss.
25 120.536(1) and 120.54 that prescribe criteria and a process
26 for the identification, evaluation, and designation of
27 Heritage Landmark properties, as well as for withdrawal of
28 designation.

29 (b) The division may waive the age requirement of 50
30 years for properties of overwhelming state or national
31

1 importance; however, it is the intent of the Legislature that
2 exceptions shall rarely be given.

3 (c) The division shall undertake a program to identify
4 and nominate properties eligible for designation as Heritage
5 Landmarks.

6 (d) Designation of private property as a Heritage
7 Landmark does not prohibit under Florida law or regulation any
8 actions which may otherwise be taken by the property owner
9 with respect to the property.

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

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

17 (b) Selection of subjects to be marked.

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

20 (d) Maintenance of markers.

21 (e) Removal or replacement of markers.

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

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

29 (5)(a) The division is authorized and empowered to
30 erect and maintain appropriate signs or markers indicating

31

1 sites of historic interest and value upon public property as
2 well as upon private property where permission is obtained.

3 (b) The Department of Transportation or the governing
4 body of each county or municipality is authorized to permit
5 and assist the division in erecting and maintaining said
6 historic signs or markers within the right-of-way of any state
7 highway, county road, or municipal street, or any other
8 property under its jurisdiction and control, under such
9 conditions and limitations as may be appropriate. The
10 division is hereby vested with the exclusive authority and
11 power to erect and maintain said historic signs or markers
12 within the right-of-way of any state highway.

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

28 (7) The division may establish a reasonable fee to
29 recover its costs arising from review of a proposal for a
30 historical marker, monument, plaque, medallion, or similar
31 device. Any fee established shall be payable by the applicant

1 for the marker, monument, plaque, medallion, or similar
2 device.

3 (8) Funds for the creation and placement of an
4 Official Florida Historical Marker shall be provided by the
5 agency, organization, individual, or other entity proposing
6 the marker. The division may erect Official Florida
7 Historical Markers at its own expense and may make competitive
8 grants from the Historical Resources Operating Trust Fund,
9 pursuant to s. 267.0617, to assist in funding the costs of
10 Official Florida Historical Markers. All Official Florida
11 Historical Markers shall be considered property of the state.

12 (9) The division shall seek cooperation from local
13 volunteers throughout the state and, where appropriate, shall
14 encourage the establishment of citizen support organizations,
15 pursuant to s. 267.17, to assist in maintaining Official
16 Florida Historical Markers and facilitating public access to
17 places marked.

18 Section 12. Section 267.0743, Florida Statutes, is
19 created to read:

20 267.0743 State Historical Marker Council.--In order to
21 enhance public participation and involvement in the
22 identification and interpretation of subjects relating to the
23 history and culture of Florida, there is created the "State
24 Historical Marker Council."

25 (1) The council shall consist of three members who
26 represent different areas of the state, are appointed by the
27 Secretary of State, and are qualified through the
28 demonstration of special interest, experience, or education in
29 interpretation of the state's history and historical
30 properties. Each member shall have professional training and
31 experience in one or more of the following fields: history,

1 historic preservation, architecture, architectural history, or
2 archaeology.

3 (2) Members shall be appointed for 2-year terms,
4 except for an appointment to fill an unexpired term, in which
5 event the appointment shall be for the remainder of the
6 unexpired term only. No person shall serve more than two
7 consecutive terms on the council.

8 (3) The director of the division or his or her
9 designee shall serve without voting rights as secretary to the
10 council. The division shall provide necessary staff
11 assistance to the council.

12 (4) The council shall meet at the request of the
13 division or at the request of a majority of its membership to
14 carry out its responsibilities, however, the council need not
15 convene a meeting but may give advice by means of written or
16 telephonic communication. Members shall serve without pay,
17 but shall be entitled to reimbursement for their expenses in
18 carrying out their official duties, as provided in s. 112.061.

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

29 Section 13. Section 267.081, Florida Statutes, is
30 amended to read:

31 267.081 Publications.--

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

2 ~~(a)(1)~~ Promote and encourage the writing of Florida
3 history.

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

8 ~~(c)(3)~~ Cooperate with and coordinate research and
9 publication activities of other agencies, organizations,
10 historical commissions and societies, corporations, and
11 individuals, which relate to historical matters.

12 ~~(d)(4)~~ Hold any moneys received from the sale of
13 publications by the division in the operating trust fund of
14 the division or in a separate depository account in the name
15 of a citizen-support organization formed pursuant to s. 267.17
16 and subject to the provision of a letter of agreement with the
17 division.

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

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

23 267.115 Objects of historical or archaeological
24 value.--The division shall acquire, maintain, preserve,
25 interpret, exhibit, and make available for study objects which
26 have intrinsic historical or archaeological value relating to
27 the history, government, or culture of the state. Such objects
28 may include tangible personal property of historical or
29 archaeological value. Objects acquired under this section
30 belong to the state, and title to such objects is vested in
31 the division.

1 (1) Notwithstanding s. 273.02, the division shall
2 maintain an adequate record of all objects in its custody
3 which have a historical or archaeological value. Once each
4 year, on July 1 or as soon thereafter as practicable, the
5 division shall take a complete inventory of all such objects
6 in its custody the value or cost of which is \$500 or more and
7 a sample inventory of such objects the value or cost of which
8 is less than \$500. Each inventory shall be compared with the
9 property record, and all discrepancies shall be traced and
10 reconciled. Objects of historical or archaeological value are
11 not required to be identified by marking or other physical
12 alteration of the objects.

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

22 (3) The division may determine from time to time that
23 an object which is in its custody and which is owned by the
24 state has no further use or value for the research, exhibit,
25 or educational programs of the division, or that such an
26 object will receive more appropriate maintenance and
27 preservation by another agency, institution, or organization,
28 and may loan, exchange, sell, or otherwise transfer ownership
29 and custody of such object to another agency, institution, or
30 organization for the purpose of ensuring the continued
31 maintenance and preservation of such object, or for the

1 purpose of acquiring another object which better serves the
2 interests of the state and is more appropriate for promoting
3 knowledge and appreciation of Florida history and the programs
4 of the division.

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

8 (5) All moneys received from the sale of an object
9 which has historical or archaeological value pursuant to
10 subsection (3) shall be deposited in the Historical Resources
11 Operating Trust Fund and shall be used exclusively for the
12 acquisition of additional historical and archaeological
13 objects or the preservation and maintenance of any such
14 objects in the custody of the division.

15 (6) The division shall adopt rules pursuant to ss.
16 120.536(1) and 120.54 that prescribe criteria for the
17 inventory and for the loan, exchange, sale, transfer, or other
18 disposal of state-owned objects of historical or
19 archaeological value.

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

24 (8) Notwithstanding any provision of s. 287.022 or s.
25 287.025(1)(e), the division may enter into contracts to insure
26 museum collections, artifacts, relics, and fine arts to which
27 it holds title.

28 (9) The division may implement a program to administer
29 finds of isolated historic artifacts from state-owned river
30 bottoms whereby the division may transfer ownership of such
31 artifacts to the finder in exchange for information about the

1 artifacts and the circumstances and location of their
2 discovery.

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

6 267.13 Prohibited practices; penalties.--

7 (1)(a) Any person who by means other than excavation
8 either conducts archaeological field investigations on, or
9 removes or attempts to remove, or defaces, destroys, or
10 otherwise alters any archaeological site or specimen located
11 upon, any land owned or controlled by the state or within the
12 boundaries of a designated state archaeological landmark or
13 landmark zone, except in the course of activities pursued
14 under the authority of a permit or under procedures relating
15 to accredited institutions granted by the division, commits a
16 misdemeanor of the first degree, punishable as provided in s.
17 775.082 or s. 775.083, and, in addition, shall forfeit to the
18 state all specimens, objects, and materials collected,
19 together with all photographs and records relating to such
20 material.

21 (b) Any person who by means of excavation either
22 conducts archaeological field investigations on, or removes or
23 attempts to remove, or defaces, destroys, or otherwise alters
24 any archaeological site or specimen located upon, any land
25 owned or controlled by the state or within the boundaries of a
26 designated state archaeological landmark or landmark zone,
27 except in the course of activities pursued under the authority
28 of a permit or under procedures relating to accredited
29 institutions granted by the division, commits a felony of the
30 third degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084, and any vehicle or equipment of any

1 person used in connection with the violation is subject to
2 forfeiture to the state if it is determined by any court of
3 law that the vehicle or equipment was involved in the
4 violation. Such person shall forfeit to the state all
5 specimens, objects, and materials collected or excavated,
6 together with all photographs and records relating to such
7 material. The court may also order the defendant to make
8 restitution to the state for the archaeological or commercial
9 value and cost of restoration and repair as defined in
10 subsection (4) damage and the cost of restoring the affected
11 resource as provided in s. 775.089.

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

1 restitution to the state for the archaeological or commercial
2 value and cost of restoration and repair as defined in
3 subsection (4) damage and the cost of restoring the affected
4 resource as provided in s. 775.089.

5 (4) DETERMINATION OF ARCHAEOLOGICAL OR COMMERCIAL
6 VALUE AND COST OF RESTORATION AND REPAIR.--

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

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

28 (c) Cost of restoration and repair. For purposes of
29 this section, the cost of restoration and repair of
30 archaeological resources damaged as a result of a violation of
31 prohibitions or conditions pursuant to this section shall be

1 the sum of the costs already incurred for emergency
2 restoration or repair work, plus those costs projected to be
3 necessary to complete restoration and repair, which may
4 include, but need not be limited to, the costs of the
5 following:

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

24 Section 16. Section 267.14, Florida Statutes, is
25 amended to read:

26 267.14 Legislative intent.--It is hereby declared to
27 be the public policy of the state to preserve archaeological
28 sites and objects of antiquity for the public benefit and to
29 limit exploration, excavation, and collection of such matters
30 to qualified persons and educational institutions possessing
31 the requisite skills and purpose to add to the general store

1 of knowledge concerning history, archaeology, and
2 anthropology. It is further declared to be the public policy
3 of the state ~~the declared intention of the Legislature~~ that
4 field investigation activities on privately owned lands should
5 be discouraged except in accordance with both the provisions
6 and spirit of ss. 267.11-267.14; and persons having knowledge
7 of the location of archaeological sites are encouraged to
8 communicate such information to the division.

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

11 267.173 Historic preservation in West Florida; goals;
12 contracts for historic preservation; powers and duties.--

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

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

31

1 (3) The Department of State may transfer ownership and
2 responsibility to any artifacts, documents, equipment, and
3 other forms of tangible personal property to the University of
4 West Florida to assist the university in the transition of the
5 management of the state-owned properties. All records,
6 personnel, property, other than real property held under lease
7 by the department from the Board of Trustees of the Internal
8 Improvement Trust Fund, and unexpended balances of
9 appropriations, allocations, or other funds of the Historic
10 Pensacola Board of Trustees shall be transferred to the
11 University of West Florida to be used for its historic
12 preservation activities and responsibilities as set forth in
13 the contract with the Department of State. The transfer of
14 segregated funds must be made in such a manner that the
15 relation between program and revenue source as provided by law
16 is retained.

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

29 (b) The university or its direct-support organization,
30 if permitted in its contract with the university, shall have
31 the power to engage in any lawful business or activity to

1 establish, maintain, and operate the state-owned facilities
2 and properties under contract with the Department of State,
3 including, but not limited to:

4 1. The renting or leasing for revenue of any land,
5 improved or restored real estate, or personal property
6 directly related to carrying out the purposes for historic
7 preservation under terms and conditions of the contract with
8 the Department of State and deemed by the university to be in
9 the best interest of the state.

10 2. The selling of craft products created through the
11 operation and demonstration of historical museums, craft
12 shops, and other facilities.

13 3. The limited selling of merchandise relating to the
14 historical and antiquarian period of Pensacola and its
15 surrounding territory and the historical period of West
16 Florida from the Apalachicola River to the western boundaries
17 of the state.

18 (c) The university or its direct-support organization,
19 if permitted in its contract with the university, shall have
20 the authority to:

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

24 2. Fix and collect charges for admission to any of the
25 state-owned facilities under contract with the Department of
26 State.

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

29 4. Adopt and enforce reasonable rules to govern the
30 conduct of the visiting public.

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1 (5) The Division of Historical Resources in the
2 Department of State may contract with the University of West
3 Florida to serve as the regional office for the West Florida
4 region of the state from the Apalachicola River to the western
5 boundaries of the state. In lieu of the establishment of a
6 citizen support organization as required by s. 267.031(5)(m),
7 the University of West Florida may use an existing
8 direct-support organization of the university provided that
9 the membership of the direct-support organization is
10 representative of the area of the state to be served and
11 provides the needed expertise in the area of historic
12 preservation.

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

18 (7) Notwithstanding s. 273.055, the University of West
19 Florida may exchange, sell, or otherwise transfer any
20 artifact, document, equipment and other form of tangible
21 personal property if its direct-support organization
22 recommends such exchange, sale, or transfer to the president
23 of the university and if it is determined that the object is
24 no longer appropriate for the purpose of advancing historic
25 preservation.

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

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

4 267.1732 ~~266.0018~~ Direct-support organization.--

5 (1) The University of West Florida shall ~~Historic~~
6 ~~Pensacola Preservation Board of Trustees~~ may authorize a
7 direct-support organization to assist the university board in
8 carrying out its dual historic preservation and historic
9 preservation education purposes and responsibilities for the
10 City of Pensacola, Escambia County, and West Florida by
11 raising money; submitting requests for and receiving grants
12 from the Federal Government, the state or its political
13 subdivisions, private foundations, and individuals; receiving,
14 holding, investing, and administering property; and making
15 expenditures to or for the benefit of the university board.
16 The sole purpose for the direct-support organization is to
17 support the historic preservation efforts and the historic
18 preservation education programs and initiatives of the
19 university board. Such a direct-support organization is an
20 organization that is:

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

24 (b) Organized and operated to receive, hold, invest,
25 and administer property and to make expenditures to or for the
26 benefit of the university board; and

27 (c) Approved by the university board ~~and the~~
28 ~~department~~ to be operating for the benefit of and in a manner
29 consistent with the goals of the university ~~the board~~ and in
30 the best interest of the state.

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1 (2) The number of the board of directors of the
2 direct-support organization shall be determined by the
3 president of the university. However, the current members of
4 the board of directors of the direct-support organization for
5 the Historic Pensacola Preservation Board of Trustees shall be
6 members of the board of directors of the direct-support
7 organization for the university for the duration of their
8 appointed terms. Additional members or members to fill
9 vacancies shall be appointed by the president of the
10 university in consultation with the board of directors of the
11 direct-support organization. Membership on the board of
12 directors of the direct-support organization shall include the
13 professional expertise to ensure the university meeting its
14 dual purposes of historic preservation and historic
15 preservation education to include, but not be limited to, a
16 licensed architect who has expertise in historic preservation
17 and architectural history, a professional historian in the
18 field of American history, and a professional archaeologist.
19 All board members must have demonstrated interest in the
20 preservation of Florida's historical and archaeological
21 heritage. Membership on the board of directors must be
22 representative of the areas of West Florida served by the
23 direct-support organization and the university in its
24 preservation efforts. The president of the university, or the
25 president's designee, shall serve as a member of the board of
26 directors.

27 ~~(3)~~~~(2)~~ The direct-support organization shall operate
28 under written contract with the university board. The
29 contract must provide for:
30
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1 (a) Approval of the articles of incorporation and
2 bylaws of the direct-support organization by the university
3 ~~board and the department.~~

4 (b) Submission of an annual budget for the approval of
5 the university board. The budget must comply with rules
6 adopted by the university board.

7 (c) Certification by the university board that the
8 direct-support organization is complying with the terms of the
9 contract and in a manner consistent with the historic
10 preservation goals and purposes of the university board and in
11 the best interest of the state. Such certification must be
12 made annually by the university and reported in the official
13 minutes of a meeting of the university board.

14 (d) The reversion to the university board, or the
15 state if the university board ceases to exist, of moneys and
16 property held in trust by the direct-support organization for
17 the benefit of the university board if the direct-support
18 organization is no longer approved to operate for the
19 university board, or the university board ceases to exist, ~~and~~
20 ~~if such moneys and property were acquired after October 1,~~
21 ~~1986.~~

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

25 (f) The disclosure of material provisions of the
26 contract and the distinction between the University of West
27 Florida board of trustees and the direct-support organization
28 to donors of gifts, contributions, or bequests, as well as on
29 all promotional and fundraising publications.

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

4 (4) The university board may authorize a
5 direct-support organization to use its property (except
6 money), facilities, and personal services, subject to the
7 provisions of this section and s. 240.299. A direct-support
8 organization that does not provide equal employment
9 opportunities to all persons regardless of race, color,
10 religion, sex, age, or national origin may not use the
11 property, facilities, or personal services of the university
12 board. For the purposes of this subsection, the term
13 "personal services" includes full-time personnel and part-time
14 personnel as well as payroll processing.

15 (5) The university board shall establish policies and
16 may adopt rules pursuant to s. 240.299 prescribing the
17 procedures by which the direct-support organization is
18 governed and any conditions with which a direct-support
19 organization must comply to use property, facilities, or
20 personal services of the university board.

21 (6) Any moneys may be held in a separate depository
22 account in the name of the direct-support organization and
23 subject to the provisions of the contract with the university
24 board. Such moneys may include lease income, admissions
25 income, membership fees, private donations, income derived
26 from fundraising activities, and grants applied for and
27 received by the direct-support organization.

28 (7) The direct-support organization shall provide for
29 an annual financial and compliance audit of its financial
30 accounts and records by an independent certified public
31 accountant in accordance with generally accepted accounting

1 ~~standards~~ ~~rules established by the board.~~ The annual audit
2 report must be submitted to the university board for review
3 and approval. The university, the Auditor General, and others
4 authorized in s. 240.299 shall have the authority to require
5 and receive from the direct-support organization, or from its
6 independent auditor, any detail or supplemental data relative
7 to the operation of the organization. Upon approval, the
8 university board shall certify the audit report to the Auditor
9 General for review.

10 (8) The identity of a donor or prospective donor of
11 property to a direct-support organization who desires to
12 remain anonymous, and all information identifying such donor
13 or prospective donor, is confidential and exempt from the
14 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution; and that anonymity must be maintained in the
16 auditor's report. The university and the Auditor General shall
17 have access to all records of the direct-support organization
18 at any time it is requested ~~he or she so requests.~~

19 (9) Provisions governing direct-support organizations
20 in s. 240.99 and not provided in this section shall apply to
21 the direct-support organization.

22 Section 19. This act shall not affect the validity of
23 any judicial or administrative action involving the Historic
24 Pensacola Preservation Board of Trustees pending as of July 1,
25 2001. The Department of State shall be substituted as of that
26 date for the Historic Pensacola Preservation Board of Trustees
27 as a party in interest in any such pending action.

28 Section 20. Paragraph (h) of subsection (2) of section
29 607.1901, Florida Statutes, is amended to read:

30 607.1901 Corporations Trust Fund creation; transfer of
31 funds.--

1 (2)
2 (h) The division shall transfer from the trust fund to
3 the Historical Resources Operating Trust Fund, quarterly,
4 prorations transferring \$1.5 million each fiscal year, to be
5 used as provided in s. 267.0619 ~~267.072~~.

6 Section 21. Paragraph (e) of subsection (2) of section
7 872.05, Florida Statutes, is amended to read:

8 872.05 Unmarked human burials.--

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

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

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

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