

By Senator Clary

7-1076-01

See HB

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, 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.; conforming 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  
18 cross-references; amending s. 267.062, F.S.;  
19 correcting a cross-reference; creating s.  
20 267.0619, F.S.; revising provisions with  
21 respect to grant application review; amending  
22 s. 267.072, F.S.; revising provisions relating  
23 to the Museum of Florida History Programs;  
24 creating s. 267.073, F.S.; revising provisions  
25 relating to the Great Floridians program;  
26 creating s. 267.074, F.S.; requiring the  
27 Division of Historical Resources to coordinate  
28 and direct the Historical Marker Program;  
29 delineating program responsibilities; providing  
30 classification of markers; requiring the  
31 division to establish a central register of

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

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

1           Pensacola Preservation Board of Trustees;  
2           amending ss. 607.1901, 872.05, F.S.; conforming  
3           cross-references; providing effective dates.

4  
5 Be It Enacted by the Legislature of the State of Florida:

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

10           Section 2. Effective July 1, 2001, sections 266.0011,  
11 266.0012, 266.0013, 266.0014, 266.0015, 266.00155, 266.0016,  
12 and 266.0017, Florida Statutes, are repealed.

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

15           267.031 Division of Historical Resources.--

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

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

22           (b) Develop a comprehensive statewide historic  
23 preservation plan.

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

29           (d) Cooperate with federal and state agencies, local  
30 governments, and organizations and individuals to ensure that  
31

1 historic resources are taken into consideration at all levels  
2 of planning and development.

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

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

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

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

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

1 property. Expenditures by the division to protect or preserve  
2 historic properties leased by the division from the Board of  
3 Trustees of the Internal Improvement Trust Fund may be exempt  
4 from the competitive bid requirements of chapters 255 and 287.

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

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

13 (l) Establish guidelines for state agency  
14 responsibilities under s. 267.061(2).

15 (m) Establish regional offices for the purpose of  
16 assisting the division in the delivery of historic  
17 preservation services to the counties and municipalities of  
18 the state and to the citizens of the State of Florida.

19 Historic preservation regional offices shall be established in  
20 St. Augustine, Tampa, Palm Beach County, and in other areas of  
21 the state which the division deems appropriate. For each  
22 regional office established, the division shall establish a  
23 citizen support organization in accordance with s. 267.17. The  
24 board of directors of each citizen support organization shall  
25 be appointed by the Secretary of State.

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

30 (6) The division shall employ a State Archaeologist,  
31 and such other archaeologists as deemed necessary, who shall

1 possess such qualifications as the division may prescribe. The  
2 State Archaeologist shall serve at the pleasure of the  
3 division director and shall have his or her duties prescribed  
4 by the division director.

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

19 Section 4. Paragraph (d) of subsection (2) of section  
20 267.061, Florida Statutes, is amended, subsections (3), (4),  
21 and (5) are repealed, and present subsection (6) of that  
22 section is renumbered as subsection (3) and amended, to read:

23 267.061 Historic properties; state policy,  
24 responsibilities.--

25 (2) RESPONSIBILITIES OF STATE AGENCIES OF THE  
26 EXECUTIVE BRANCH.--

27 (d) Each state agency of the executive branch shall  
28 assume responsibility for the preservation of historic  
29 resources which are owned or controlled by such agency. Prior  
30 to acquiring, constructing, or leasing buildings for the  
31 purpose of carrying out agency responsibilities, the agency



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

8 (3)~~(6)~~ DEPARTMENT OF MANAGEMENT SERVICES.--The  
9 Department of Management Services, in consultation with the  
10 division, shall adopt rules for the renovation of historic  
11 properties which are owned or leased by the state. Such rules  
12 shall be based on national guidelines for historic renovation,  
13 including the standards and guidelines for rehabilitation  
14 adopted by the United States Secretary of the Interior.

15 Section 5. Section 267.0612, Florida Statutes, is  
16 amended to read:

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

19 267.0612 Florida Historical Commission; creation;  
20 membership; powers and duties.--In order to enhance public  
21 participation and involvement in the preservation and  
22 protection of the state's historic and archaeological sites  
23 and properties, there is created within the Department of  
24 State the "Florida Historical Commission." The commission  
25 shall serve in an advisory capacity to the director of the  
26 Division of Historical Resources to assist the director in  
27 carrying out the purposes, duties, and responsibilities of the  
28 division, as specified in this chapter.

29 (1)(a) The commission shall be composed of eleven  
30 members. Seven members shall be appointed by the Governor in  
31 consultation with the Secretary of State, two members shall be

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

19 (b) Notwithstanding the provisions of paragraph (a),  
20 the initial members of the commission shall be the members of  
21 the Historic Preservation Advisory Council and the National  
22 Register of Historic Places Review Board, serving on January  
23 1, 2002, who may serve the remainder of their respective  
24 terms. New appointments to the commission shall not be made  
25 until the retirement, resignation, removal, or expiration of  
26 the terms of the initial members results in fewer than eleven  
27 members remaining. As vacancies occur, the first appointments  
28 shall be the five professionally-designated members appointed  
29 by the Governor. The President of the Senate, the Speaker of  
30 the House of Representatives, and the Governor, respectively,  
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1 shall then alternate appointments until the commission is  
2 composed as required herein.

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

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

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

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

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

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

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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. Section 267.0619, Florida Statutes, is  
16 created to read:

17 267.0619 Historical Museum Grants.--The division may  
18 conduct a program to provide:

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

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

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

10           (b) 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) The museum must be open and providing museum  
15 services to the public for at least 180 days each year; and

16           (d) 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) 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 may  
5 award a grant to a Florida history museum only if the award  
6 has been approved by the Secretary of State.

7 (4) Money received as an appropriation or contribution  
8 to the grants program must be deposited into the Historical  
9 Resources Operating Trust Fund. Money appropriated from  
10 general revenue to the trust fund for the program may not be  
11 granted to a private for-profit museum. Money appropriated  
12 from any source to the trust fund for the program may not be  
13 granted to pay the cost of locating, identifying, evaluating,  
14 acquiring, preserving, protecting, restoring, rehabilitating,  
15 stabilizing, or excavating an archaeological or historic site  
16 or a historic building or the planning of any of those  
17 activities.

18 (5) The division may grant moneys quarterly from the  
19 Historical Resources Operating Trust Fund to history museums  
20 in advance of an exhibit or program for which the moneys are  
21 granted.

22 Section 9. Section 267.072, Florida Statutes, is  
23 amended to read:

24 267.072 Museum of Florida History programs.--

25 (1) The division shall+

26 ~~(a)~~ establish and administer a museum store in the  
27 Museum of Florida History to provide information and materials  
28 relating to museum exhibits, collections, and programs to the  
29 public. The store may produce, acquire, and sell craft  
30 products, replicas and reproductions of artifacts, documents,  
31 and other merchandise relating to historical and cultural



1 resources and may make a reasonable charge for such  
2 merchandise. All proceeds received from sales must be  
3 deposited into the Historical Resources Operating Trust Fund  
4 or, funds in excess of the amount required to pay employees  
5 involved in the direct management of the museum store, may be  
6 deposited into a bank account of the a citizen support  
7 organization created pursuant to s. 267.17 and may only be  
8 used to support the programs of the Museum of Florida History.  
9 The museum store may enter into agreements and accept  
10 credit-card payments as compensation for goods and products  
11 sold. The division may establish accounts in credit-card  
12 banks for the deposit of credit-card sales invoices and to pay  
13 discounts and service charges in connection with the use of  
14 credit cards.

15 (2)(b) The division shall support the establishment  
16 and operation of a nonprofit organization or association  
17 established pursuant to s. 267.17 to promote and encourage  
18 knowledge and appreciation of Florida history and the programs  
19 of the Museum of Florida History and to cooperate with  
20 historical societies and other organizations to provide  
21 funding and promotional support for the programs of the  
22 museum. Such organization or association may, with the  
23 consent of the division, operate the museum store or conduct  
24 special events and programs in the museum. All proceeds must  
25 be used to support the programs of the Museum of Florida  
26 History.

27 (3)(c) The division shall deposit gifts and donations  
28 for the purpose of assisting the Museum of Florida History and  
29 its programs in the Historical Resources Operating Trust Fund  
30 to be used exclusively for the benefit of programs of the  
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1 museum and in a manner consistent with any terms or conditions  
2 agreed to by the division in accepting such gifts.

3 ~~(d) Establish and administer a program, to be entitled~~  
4 ~~the Great Floridians program, which shall be designed to~~  
5 ~~recognize and record the achievements of Floridians, living~~  
6 ~~and deceased, who have made major contributions to the~~  
7 ~~progress and welfare of this state.~~

8 ~~1. The division shall nominate present or former~~  
9 ~~citizens of this state, living or deceased, who during their~~  
10 ~~lives have made major contributions to the progress of the~~  
11 ~~nation or this state and its citizens. Nominations shall be~~  
12 ~~submitted to the Secretary of State who shall select from~~  
13 ~~those nominated not less than two persons each year who shall~~  
14 ~~be honored with the designation "Great Floridian," provided no~~  
15 ~~person whose contributions have been through elected or~~  
16 ~~appointed public service shall be selected while holding any~~  
17 ~~such office.~~

18 ~~2. To enhance public participation and involvement in~~  
19 ~~the identification of any person worthy of being nominated as~~  
20 ~~a Great Floridian, the division shall seek advice and~~  
21 ~~assistance from persons qualified through the demonstration of~~  
22 ~~special interest, experience, or education in the~~  
23 ~~dissemination of knowledge about the state's history.~~

24 ~~a. In formulating its nominations, the division shall~~  
25 ~~also seek the assistance of the Museum of Florida History~~  
26 ~~Foundation, Inc., or its successor, acting in the capacity as~~  
27 ~~a citizen support organization of the division, pursuant to s.~~  
28 ~~267.17 and approved to act on behalf of the Museum of Florida~~  
29 ~~History.~~

30 ~~b. Annually, the division shall convene an ad hoc~~  
31 ~~committee composed of representatives of the Governor, each~~

1 ~~member of the Florida Cabinet, the President of the Senate,~~  
2 ~~the Speaker of the House of Representatives, and the Museum of~~  
3 ~~Florida History Foundation, Inc. This committee shall meet at~~  
4 ~~least twice. The committee shall nominate not fewer than two~~  
5 ~~persons whose names shall be submitted to the Secretary of~~  
6 ~~State with the recommendation that they be honored with the~~  
7 ~~designation "Great Floridian."~~

8         ~~3. Upon designation of a person as a Great Floridian~~  
9 ~~by the Secretary of State, the division shall undertake~~  
10 ~~appropriate activities intended to achieve wide public~~  
11 ~~knowledge of the person designated.~~

12         ~~a. The division may seek to initiate production of a~~  
13 ~~film or videotape depicting the life and contributions of the~~  
14 ~~designee to this state and to the nation. If technology~~  
15 ~~surpasses the use of film or videotape, another medium of~~  
16 ~~equal quality may be used.~~

17         ~~(I) In the production of such films, the division~~  
18 ~~shall seek cooperation from local volunteers throughout the~~  
19 ~~state and, in particular, shall seek fundraising and other~~  
20 ~~assistance of the citizen support organization created~~  
21 ~~pursuant to s. 267.17 to support the programs of the Museum of~~  
22 ~~Florida History.~~

23         ~~(II) The Museum of Florida History shall be the~~  
24 ~~repository of the original negative, the original master tape,~~  
25 ~~and all cuttings, of any film or videotape produced under the~~  
26 ~~authority of this paragraph. The division also may exercise~~  
27 ~~the right of trademark over the terms "Great Floridian" or~~  
28 ~~"Great Floridians" pursuant to s. 286.031.~~

29         ~~(III) The division shall arrange for the distribution~~  
30 ~~of copies of all films to the general public, public~~  
31 ~~television stations, educational institutions, and others and~~

1 ~~may establish a reasonable charge to recover costs associated~~  
2 ~~with production and to provide a source of revenue to assist~~  
3 ~~with reproduction, marketing, and distribution of Great~~  
4 ~~Floridians films. Proceeds from such charges shall be~~  
5 ~~deposited into the Historical Resources Operating Trust Fund.~~

6 ~~b. Deceased persons designated as Great Floridians~~  
7 ~~typically shall be recognized by markers affixed to properties~~  
8 ~~significantly associated with the major contributions of the~~  
9 ~~designee. Such markers shall be erected pursuant to the~~  
10 ~~provisions of s. 267.061(3)(n).~~

11 ~~(2)(a) The division may conduct a program to provide:~~

12 ~~1. Grants from the Historical Resources Operating~~  
13 ~~Trust Fund, including matching grants, to a department or~~  
14 ~~agency of the state; a unit of county, municipal, or other~~  
15 ~~local government; or a public or private profit or nonprofit~~  
16 ~~corporation, partnership, or other organization to assist in~~  
17 ~~the development of public educational exhibits relating to the~~  
18 ~~historical resources of Florida; and~~

19 ~~2. Grants from the Historical Resources Operating~~  
20 ~~Trust Fund to Florida history museums that are not~~  
21 ~~state-operated to assist such museums in paying for operating~~  
22 ~~costs.~~

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

26 ~~1. The mission of the museum must relate directly and~~  
27 ~~primarily to the history of Florida. If the museum has more~~  
28 ~~than one mission, the museum is eligible to receive a grant~~  
29 ~~for that portion of the operating costs which is reasonably~~  
30 ~~attributable to its mission relating to the history of~~  
31 ~~Florida;~~

1           ~~2. The museum must have been operating and open to the~~  
2 ~~public for at least 180 days each year during the 2-year~~  
3 ~~period immediately preceding the date upon which the museum~~  
4 ~~applies for the grant;~~

5           ~~3. The museum must be open and providing museum~~  
6 ~~services to the public for at least 180 days each year; and~~

7           ~~4. The museum must currently employ, and must have~~  
8 ~~employed during the 2-year period immediately preceding the~~  
9 ~~date upon which the museum applies for the grant, at least one~~  
10 ~~full-time staff member or the equivalent thereof whose primary~~  
11 ~~responsibility is to acquire, maintain, and exhibit to the~~  
12 ~~public objects that are owned by, or are on loan to, the~~  
13 ~~museum.~~

14           ~~(c) An application for a grant must be made to the~~  
15 ~~division on a form provided by the division. The division~~  
16 ~~shall adopt rules prescribing categories of grants,~~  
17 ~~application requirements, criteria and procedures for the~~  
18 ~~review and evaluation of applications, and other procedures~~  
19 ~~necessary for the administration of the program, subject to~~  
20 ~~the requirements of this section. The division shall provide~~  
21 ~~opportunities for persons from different areas of the state~~  
22 ~~who, due to education, experience, or special interest, are~~  
23 ~~knowledgeable about the development and operation of~~  
24 ~~historical museums or historical exhibits for public education~~  
25 ~~to evaluate the applications and shall consider their~~  
26 ~~evaluations and recommendations in selecting the applicants~~  
27 ~~that it will recommend to the Secretary of State to receive~~  
28 ~~grants. The division shall submit a list of such applicants,~~  
29 ~~arranged in order of priority, to the Secretary of State. The~~  
30 ~~division may award a grant to a Florida history museum only if~~  
31 ~~the award has been approved by the Secretary of State.~~

1           ~~-(d) Money received as an appropriation or~~  
2 ~~contribution to the grants program must be deposited into the~~  
3 ~~Historical Resources Operating Trust Fund. Money appropriated~~  
4 ~~from general revenue to the trust fund for the program may not~~  
5 ~~be granted to a private for-profit museum. Money appropriated~~  
6 ~~from any source to the trust fund for the program may not be~~  
7 ~~granted to pay the cost of locating, identifying, evaluating,~~  
8 ~~acquiring, preserving, protecting, restoring, rehabilitating,~~  
9 ~~stabilizing, or excavating an archaeological or historic site~~  
10 ~~or a historic building or the planning of any of those~~  
11 ~~activities.~~

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

16           Section 10. Section 267.073, Florida Statutes, is  
17 created to read:

18           267.073 Great Floridians Program.--The division shall  
19 establish and administer a program, to be entitled the Great  
20 Floridians Program, which shall be designed to recognize and  
21 record the achievements of Floridians, living and deceased,  
22 who have made major contributions to the progress and welfare  
23 of this state.

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

1 appointed public service shall be selected while holding any  
2 such office.

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

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

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

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

28 (a) The division may seek to initiate production of a  
29 film or videotape depicting the life and contributions of the  
30 designee to this state and to the nation. If technology  
31

1 surpasses the use of film or videotape, another medium of  
2 equal quality may be used.

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

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

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

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

28 Section 11. Section 267.074, Florida Statutes, is  
29 created to read:

30 267.074 State Historical Marker Program.--The division  
31 shall coordinate and direct the State Historical Marker



1 Program, which shall be a program of popular history and  
2 heritage designed to inform the general public about persons,  
3 events, structures, and other topics relating to the history  
4 and culture of the state; encourage interest in preserving the  
5 historical resources of the state and its localities; promote  
6 a sense of community and place among Florida citizens; and  
7 provide for the enjoyment and edification of tourists.

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

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

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

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

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

31

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

8  
9 The division may exercise the right of trademark over the  
10 terms "Florida Heritage" or "Heritage Florida" pursuant to s.  
11 286.031.

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

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

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

30  
31

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

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

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

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

15           (b) Selection of subjects to be marked.

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

18           (d) Maintenance of markers.

19           (e) Removal or replacement of markers.

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

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

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

31

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

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

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

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

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

16           Section 12. Section 267.0743, Florida Statutes, is  
17 created to read:

18           267.0743 State Historical Marker Council.--In order to  
19 enhance public participation and involvement in the  
20 identification and interpretation of subjects relating to the  
21 history and culture of Florida, there is created the "State  
22 Historical Marker Council."

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

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

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

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

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

27           Section 13. Section 267.081, Florida Statutes, is  
28 amended to read:

29           267.081 Publications.--

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

31

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

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

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

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

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

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

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

31

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

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

26 (c) Cost of restoration and repair. For purposes of  
27 this section, the cost of restoration and repair of  
28 archaeological resources damaged as a result of a violation of  
29 prohibitions or conditions pursuant to this section shall be  
30 the sum of the costs already incurred for emergency  
31 restoration or repair work, plus those costs projected to be

1 necessary to complete restoration and repair, which may  
2 include, but need not be limited to, the costs of the  
3 following:

4 1. Reconstruction of the archaeological resource.

5 2. Stabilization of the archaeological resource.

6 3. Ground contour reconstruction and surface  
7 stabilization.

8 4. Research necessary to carry out reconstruction or  
9 stabilization.

10 5. Physical barriers or other protective devices,  
11 necessitated by the disturbance of the archaeological  
12 resource, to protect it from further disturbance.

13 6. Examination and analysis of the archaeological  
14 resource, including recording remaining archaeological  
15 information, where necessitated by disturbance, in order to  
16 salvage remaining values which cannot be otherwise conserved.

17 7. Reinterment of human remains in accordance with  
18 religious custom and state, local, or tribal law, where  
19 appropriate, as determined by the land manager.

20 8. Preparation of reports relating to any of the  
21 activities described in this paragraph.

22 Section 16. Section 267.14, Florida Statutes, is  
23 amended to read:

24 267.14 Legislative intent.--It is hereby declared to  
25 be the public policy of the state to preserve archaeological  
26 sites and objects of antiquity for the public benefit and to  
27 limit exploration, excavation, and collection of such matters  
28 to qualified persons and educational institutions possessing  
29 the requisite skills and purpose to add to the general store  
30 of knowledge concerning history, archaeology, and  
31 anthropology.It is further declared to be the public policy

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

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

9 267.173 Historic preservation in West Florida; goals;  
10 contracts for historic preservation; powers and duties.--

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

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

29 (3) The Department of State may transfer ownership and  
30 responsibility to any artifacts, documents, equipment, and  
31 other forms of tangible personal property to the University of

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

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

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

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

7           2. The selling of craft products created through the  
8 operation and demonstration of historical museums, craft  
9 shops, and other facilities.

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

15           (c) The university or its direct-support organization,  
16 if permitted in its contract with the university, shall have  
17 the authority to:

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

21           2. Fix and collect charges for admission to any of the  
22 state-owned facilities under contract with the Department of  
23 State.

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

26           4. Adopt and enforce reasonable rules to govern the  
27 conduct of the visiting public.

28           (5) The Division of Historical Resources in the  
29 Department of State may contract with the University of West  
30 Florida to serve as the regional office for the West Florida  
31 region of the state from the Apalachicola River to the western



1 boundaries of the state. In lieu of the establishment of a  
2 citizen support organization as required by s. 267.031(5)(m),  
3 the University of West Florida may use an existing  
4 direct-support organization of the university provided that  
5 the membership of the direct-support organization is  
6 representative of the area of the state to be served and  
7 provides the needed expertise in the area of historic  
8 preservation.

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

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

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

26 Section 18. Effective July 1, 2001, section 266.0018,  
27 Florida Statutes, is transferred, renumbered as section  
28 267.1732, Florida Statutes, and amended to read:

29 267.1732 ~~266.0018~~ Direct-support organization.--

30 (1) The University of West Florida shall ~~Historic~~  
31 ~~Pensacola Preservation Board of Trustees~~ may authorize a

1 direct-support organization to assist the university board in  
2 carrying out its dual historic preservation and historic  
3 preservation education purposes and responsibilities for the  
4 City of Pensacola, Escambia County, and West Florida by  
5 raising money; submitting requests for and receiving grants  
6 from the Federal Government, the state or its political  
7 subdivisions, private foundations, and individuals; receiving,  
8 holding, investing, and administering property; and making  
9 expenditures to or for the benefit of the university board.  
10 The sole purpose for the direct-support organization is to  
11 support the historic preservation efforts and the historic  
12 preservation education programs and initiatives of the  
13 university board. Such a direct-support organization is an  
14 organization that is:

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

18       (b) Organized and operated to receive, hold, invest,  
19 and administer property and to make expenditures to or for the  
20 benefit of the university board; and

21       (c) ~~Approved by the university board and the~~  
22 ~~department~~ to be operating for the benefit of and in a manner  
23 consistent with the goals of the university ~~the board~~ and in  
24 the best interest of the state.

25       (2) The number of the board of directors of the  
26 direct-support organization shall be determined by the  
27 president of the university. However, the current members of  
28 the board of directors of the direct-support organization for  
29 the Historic Pensacola Preservation Board of Trustees shall be  
30 members of the board of directors of the direct-support  
31 organization for the university for the duration of their

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

20 (3)~~(2)~~ The direct-support organization shall operate  
21 under written contract with the university board. The  
22 contract must provide for:

23 (a) Approval of the articles of incorporation and  
24 bylaws of the direct-support organization by the university  
25 ~~board and the department~~.

26 (b) Submission of an annual budget for the approval of  
27 the university board. The budget must comply with rules  
28 adopted by the university board.

29 (c) Certification by the university board that the  
30 direct-support organization is complying with the terms of the  
31 contract and in a manner consistent with the historic

1 preservation goals and purposes of the university board and in  
2 the best interest of the state. Such certification must be  
3 made annually by the university and reported in the official  
4 minutes of a meeting of the university board.

5 (d) The reversion to the university board, or the  
6 state if the university board ceases to exist, of moneys and  
7 property held in trust by the direct-support organization for  
8 the benefit of the university board if the direct-support  
9 organization is no longer approved to operate for the  
10 university board, or the university board ceases to exist, ~~and~~  
11 ~~if such moneys and property were acquired after October 1,~~  
12 ~~1986.~~

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

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

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

24 (4) The university board may authorize a  
25 direct-support organization to use its property (except  
26 money), facilities, and personal services, subject to the  
27 provisions of this section and s. 240.299. A direct-support  
28 organization that does not provide equal employment  
29 opportunities to all persons regardless of race, color,  
30 religion, sex, age, or national origin may not use the  
31 property, facilities, or personal services of the university

1 ~~board~~. For the purposes of this subsection, the term  
2 "personal services" includes full-time personnel and part-time  
3 personnel as well as payroll processing.

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

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

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

30 (8) The identity of a donor or prospective donor of  
31 property to a direct-support organization who desires to

1 remain anonymous, and all information identifying such donor  
2 or prospective donor, is confidential and exempt from the  
3 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
4 Constitution; and that anonymity must be maintained in the  
5 auditor's report. The university and the Auditor General shall  
6 have access to all records of the direct-support organization  
7 at any time it is requested ~~he or she so requests~~.

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

11 Section 19. This act shall not affect the validity of  
12 any judicial or administrative action involving the Historic  
13 Pensacola Preservation Board of Trustees pending as of July 1,  
14 2001. The Department of State shall be substituted as of that  
15 date for the Historic Pensacola Preservation Board of Trustees  
16 as a party in interest in any such pending action.

17 Section 20. Paragraph (h) of subsection (2) of section  
18 607.1901, Florida Statutes, is amended to read:

19 607.1901 Corporations Trust Fund creation; transfer of  
20 funds.--

21 (2)

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

26 Section 21. Paragraph (e) of subsection (2) of section  
27 872.05, Florida Statutes, is amended to read:

28 872.05 Unmarked human burials.--

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

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

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

Reorganizes and revises provisions relating to historical museum grants to provide that grant review panels appointed by the Secretary of State shall review grant applications and make recommendations for the award of grants. Reorganizes and revises 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 provisions with respect to restitution for the commission



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

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

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