



1 historic preservation education purposes and  
2 responsibilities; providing purposes and duties  
3 of the direct-support organization; providing  
4 for a board of directors; providing membership  
5 requirements; delineating contract and other  
6 governance requirements; repealing s. 267.171,  
7 F.S., relating to contract with the City of St.  
8 Augustine for the management of certain  
9 state-owned properties, contingent on execution  
10 of a specified contract; providing an effective  
11 date.

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

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15 Section 1. Section 267.1735, Florida Statutes, is  
16 created to read:

17 267.1735 Historic preservation in St. Augustine;  
18 goals; contracts for historic preservation; powers and  
19 duties.--

20 (1) The goal for contracting with the University of  
21 Florida is to ensure long-term preservation and interpretation  
22 of state-owned historic properties in St. Augustine while  
23 facilitating an educational program at the University of  
24 Florida that will be responsive to the state's needs for  
25 professionals in historic preservation, archaeology, cultural  
26 resource management, cultural tourism, and museum  
27 administration and will help meet needs of St. Augustine and  
28 the state through educational internships and practicums.

29 (2)(a) Upon agreement by all parties to the contracts  
30 for the management of the various state-owned properties  
31 presently subleased to and managed by the City of St.

1 Augustine and by the University of Florida to assume the  
2 management of those properties, all existing management  
3 contracts shall be rescinded upon execution of a contract  
4 between the Board of Trustees of the Internal Improvement  
5 Trust Fund and the University of Florida for the management of  
6 those properties.

7 (b) The contract shall provide that the University of  
8 Florida shall use all proceeds derived from the management of  
9 these state-owned properties for the purpose of advancing  
10 historic preservation.

11 (3) The Board of Trustees of the Internal Improvement  
12 Trust Fund may transfer ownership and responsibility of any  
13 artifacts, documents, equipment, and other forms of tangible  
14 personal property to the University of Florida to assist the  
15 university in the transition of the management of the  
16 state-owned properties. All records, property, and unexpended  
17 balances of appropriations, allocations, or other funds  
18 associated with the state-owned properties shall be  
19 transferred to the University of Florida to be used for its  
20 historic preservation activities and responsibilities as  
21 provided in the contract with the Board of Trustees of the  
22 Internal Improvement Trust Fund. The transfer of segregated  
23 funds must be made in such a manner that the relation between  
24 program and revenue source as provided by law is retained.

25 (4)(a) The University of Florida is the governing body  
26 for the management and maintenance of state-owned properties  
27 contracted by this section and shall exercise those powers  
28 delegated to it by contract as well as perform all lawful acts  
29 necessary, convenient, and incident to the effectuating of its  
30 function and purpose under this section and s. 267.1736. The  
31 University of Florida may contract with its direct-support

1 organization described in s. 267.1736 to perform all acts that  
2 are lawful and permitted for not-for-profit corporations under  
3 chapter 617 in assisting the university in carrying out its  
4 historic preservation and historic preservation education  
5 responsibilities.

6 (b) The university or its direct-support organization,  
7 if permitted in its contract with the university, shall have  
8 the power to engage in any lawful business or activity to  
9 establish, maintain, and operate the state-owned facilities  
10 and properties under contract with the Board of Trustees of  
11 the Internal Improvement Trust Fund, including, but not  
12 limited to:

13 1. The renting or leasing for revenue of any land,  
14 improved or restored real estate, or personal property  
15 directly related to carrying out the purposes for historic  
16 preservation under terms and conditions of the contract with  
17 the Board of Trustees of the Internal Improvement Trust Fund  
18 and deemed by the university to be in the best interest of the  
19 state.

20 2. The selling of craft products created through the  
21 operation and demonstration of historical museums, craft  
22 shops, and other facilities.

23 3. The limited selling of merchandise relating to the  
24 historical and antiquarian period of St. Augustine and its  
25 surrounding territory and the historical period of East  
26 Florida from the Apalachicola River to the eastern boundaries  
27 of the state.

28 (c) The university or its direct-support organization,  
29 if permitted in its contract with the university, shall have  
30 the authority to:

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1           1. Enter into agreements to accept credit card  
2 payments as compensation and establish accounts in credit card  
3 banks for the deposit of credit card sales invoices.

4           2. Fix and collect charges for admission to any of the  
5 state-owned facilities under contract with the Board of  
6 Trustees of the Internal Improvement Trust Fund.

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

9           4. Adopt and enforce reasonable rules to govern the  
10 conduct of the visiting public.

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

16           (6) Notwithstanding s. 273.055, the University of  
17 Florida may exchange, sell, or otherwise transfer any  
18 artifact, document, equipment, and other form of tangible  
19 personal property if its direct-support organization  
20 recommends such exchange, sale, or transfer to the president  
21 of the university and if it is determined that the object is  
22 no longer appropriate for the purpose of advancing historic  
23 preservation. However, any artifacts, documents, or other  
24 forms of tangible personal property that have intrinsic  
25 historical or archaeological value relating to the history,  
26 government, or culture of the state may not be exchanged,  
27 sold, or otherwise transferred without prior authorization  
28 from the Department of State.

29           (7) Notwithstanding any other provision of law, the  
30 University of Florida and its direct-support organization are  
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1 eligible to match state funds in the Trust Fund for University  
2 Major Gifts established in s. 1011.94.

3 Section 2. Section 267.1736, Florida Statutes, is  
4 created to read:

5 267.1736 Direct-support organization.--

6 (1) The University of Florida shall authorize a  
7 direct-support organization to assist the university in  
8 carrying out its dual historic preservation and historic  
9 preservation education purposes and responsibilities for the  
10 City of St. Augustine, St. Johns County, and the state under  
11 s. 267.1735 by raising money; submitting requests for and  
12 receiving grants from the Federal Government, the state or its  
13 political subdivisions, private foundations, and individuals;  
14 receiving, holding, investing, and administering property; and  
15 making expenditures to or for the benefit of the university.

16 The sole purpose for the direct-support organization is to  
17 support the historic preservation efforts and historic  
18 preservation education programs and initiatives of the  
19 university. 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 as a Florida  
23 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; and

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

30 (2) The number of the board of directors of the  
31 direct-support organization shall be determined by the

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

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

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

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

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

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

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

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

15           (4) The university may authorize a direct-support  
16 organization to use its property (except money), facilities,  
17 and personal services, subject to the provisions of this  
18 section and s. 1004.28. A direct-support organization that  
19 does not provide equal employment opportunities to all persons  
20 regardless of race, color, religion, sex, age, or national  
21 origin may not use the property, facilities, or personal  
22 services of the university. For the purposes of this  
23 subsection, the term "personal services" includes full-time  
24 personnel and part-time personnel as well as payroll  
25 processing.

26           (5) The university shall establish policies and may  
27 adopt rules pursuant to s. 1004.28 prescribing the procedures  
28 by which the direct-support organization is governed and any  
29 conditions with which a direct-support organization must  
30 comply to use property, facilities, or personal services of  
31 the university.



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

8           (7) The direct-support organization shall provide for  
9 an annual financial audit in accordance with s. 1004.28.

10           (8) Provisions governing direct-support organizations  
11 in s. 1004.28 and not provided in this section shall apply to  
12 the direct-support organization.

13           Section 3. Upon execution of a contract between the  
14 Board of Trustees of the Internal Improvement Trust Fund and  
15 the University of Florida for the management of state-owned  
16 properties currently managed by the City of St. Augustine  
17 under contract with the Department of State, section 267.171,  
18 Florida Statutes, is repealed.

19           Section 4. This act shall take effect July 1, 2007.  
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