

By the Committee on Higher Education Appropriations; and
Senator King

605-2650-07

1 A bill to be entitled
2 An act relating to historic preservation;
3 creating s. 267.1735, F.S.; providing goals for
4 contracting with the University of Florida for
5 management of certain state-owned properties;
6 requiring agreement of all parties to contracts
7 for management of such properties and the
8 University of Florida; rescinding existing
9 contracts upon execution of contract between
10 the University of Florida and the Board of
11 Trustees of the Internal Improvement Trust
12 Fund; specifying use of proceeds derived from
13 the management of such properties; authorizing
14 transfer and ownership of certain artifacts,
15 documents, and properties to the university;
16 providing for transfer of records, property,
17 and funds to the university; specifying certain
18 powers and duties of the University of Florida;
19 providing that the university may contract with
20 its direct-support organization to perform all
21 acts necessary to assist the university in
22 carrying out its historic preservation and
23 historic education responsibilities;
24 delineating certain powers; authorizing
25 contracting without competitive bidding under
26 certain circumstances; providing eligibility to
27 match state funds in the University Major Gifts
28 Program; creating s. 267.1736, F.S.; requiring
29 the authorization of a direct-support
30 organization to assist the university in
31 historic preservation and historic preservation

1 education purposes and responsibilities;
2 providing purposes and duties of the
3 direct-support organization; providing for a
4 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 University Major Gifts
2 Program 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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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 2404

24 The Committee Substitute makes a technical change in
25 correcting a reference to the University Major Gifts Program.