

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

29 providing membership requirements; delineating contract  
 30 and other governance requirements; repealing s. 267.171,  
 31 F.S., relating to contract with the City of St. Augustine  
 32 for the management of certain state-owned properties,  
 33 contingent on execution of a specified contract; providing  
 34 an effective date.

35  
 36 Be It Enacted by the Legislature of the State of Florida:

37  
 38 Section 1. Section 267.1735, Florida Statutes, is created  
 39 to read:

40 267.1735 Historic preservation in St. Augustine; goals;  
 41 contracts for historic preservation; powers and duties.--

42 (1) The goal for contracting with the University of  
 43 Florida is to ensure long-term preservation and interpretation  
 44 of state-owned historic properties in St. Augustine while  
 45 facilitating an educational program at the University of Florida  
 46 that will be responsive to the state's needs for professionals  
 47 in historic preservation, archaeology, cultural resource  
 48 management, cultural tourism, and museum administration and will  
 49 help meet needs of St. Augustine and the state through  
 50 educational internships and practicums.

51 (2) (a) Upon agreement by all parties to the contracts for  
 52 the management of the various state-owned properties presently  
 53 subleased to and managed by the City of St. Augustine and by the  
 54 University of Florida to assume the management of those  
 55 properties, all existing management contracts shall be rescinded  
 56 upon execution of a contract between the Board of Trustees of

57 the Internal Improvement Trust Fund and the University of  
58 Florida for the management of those properties.

59 (b) The contract shall provide that the University of  
60 Florida shall use all proceeds derived from the management of  
61 these state-owned properties for the purpose of advancing  
62 historic preservation.

63 (3) The Board of Trustees of the Internal Improvement  
64 Trust Fund may transfer ownership and responsibility of any  
65 artifacts, documents, equipment, and other forms of tangible  
66 personal property to the University of Florida to assist the  
67 university in the transition of the management of the state-  
68 owned properties. All records, property, and unexpended balances  
69 of appropriations, allocations, or other funds associated with  
70 the state-owned properties shall be transferred to the  
71 University of Florida to be used for its historic preservation  
72 activities and responsibilities as provided in the contract with  
73 the Board of Trustees of the Internal Improvement Trust Fund.  
74 The transfer of segregated funds must be made in such a manner  
75 that the relation between program and revenue source as provided  
76 by law is retained.

77 (4) (a) The University of Florida is the governing body for  
78 the management and maintenance of state-owned properties  
79 contracted by this section and shall exercise those powers  
80 delegated to it by contract as well as perform all lawful acts  
81 necessary, convenient, and incident to the effectuating of its  
82 function and purpose under this section and s. 267.1736. The  
83 University of Florida may contract with its direct-support  
84 organization described in s. 267.1736 to perform all acts that

85 are lawful and permitted for not-for-profit corporations under  
86 chapter 617 in assisting the university in carrying out its  
87 historic preservation and historic preservation education  
88 responsibilities.

89 (b) The university or its direct-support organization, if  
90 permitted in its contract with the university, shall have the  
91 power to engage in any lawful business or activity to establish,  
92 maintain, and operate the state-owned facilities and properties  
93 under contract with the Board of Trustees of the Internal  
94 Improvement Trust Fund, including, but not limited to:

95 1. The renting or leasing for revenue of any land,  
96 improved or restored real estate, or personal property directly  
97 related to carrying out the purposes for historic preservation  
98 under terms and conditions of the contract with the Board of  
99 Trustees of the Internal Improvement Trust Fund and deemed by  
100 the university to be in the best interest of the state.

101 2. The selling of craft products created through the  
102 operation and demonstration of historical museums, craft shops,  
103 and other facilities.

104 3. The limited selling of merchandise relating to the  
105 historical and antiquarian period of St. Augustine and its  
106 surrounding territory and the historical period of East Florida  
107 from the Apalachicola River to the eastern boundaries of the  
108 state.

109 (c) The university or its direct-support organization, if  
110 permitted in its contract with the university, shall have the  
111 authority to:

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

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

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

120        4. Adopt and enforce reasonable rules to govern the  
 121 conduct of the visiting public.

122        (5) Notwithstanding the provisions of s. 287.057, the  
 123 University of Florida or its direct-support organization may  
 124 enter into contracts or agreements with or without competitive  
 125 bidding, in its discretion, for the protection or preservation  
 126 of historic properties.

127        (6) Notwithstanding s. 273.055, the University of Florida  
 128 may exchange, sell, or otherwise transfer any artifact,  
 129 document, equipment, and other form of tangible personal  
 130 property if its direct-support organization recommends such  
 131 exchange, sale, or transfer to the president of the university  
 132 and if it is determined that the object is no longer appropriate  
 133 for the purpose of advancing historic preservation. However, any  
 134 artifacts, documents, or other forms of tangible personal  
 135 property that have intrinsic historical or archaeological value  
 136 relating to the history, government, or culture of the state may  
 137 not be exchanged, sold, or otherwise transferred without prior  
 138 authorization from the Department of State.

139           (7) Notwithstanding any other provision of law, the  
140 University of Florida and its direct-support organization are  
141 eligible to match state funds in the University Major Gifts  
142 Program established in s. 1011.94.

143           Section 2. Section 267.1736, Florida Statutes, is created  
144 to read:

145           267.1736 Direct-support organization.--

146           (1) The University of Florida shall authorize a direct-  
147 support organization to assist the university in carrying out  
148 its dual historic preservation and historic preservation  
149 education purposes and responsibilities for the City of St.  
150 Augustine, St. Johns County, and the state under s. 267.1735 by  
151 raising money; submitting requests for and receiving grants from  
152 the Federal Government, the state or its political subdivisions,  
153 private foundations, and individuals; receiving, holding,  
154 investing, and administering property; and making expenditures  
155 to or for the benefit of the university. The sole purpose for  
156 the direct-support organization is to support the historic  
157 preservation efforts and historic preservation education  
158 programs and initiatives of the university. Such a direct-  
159 support organization is an organization that is:

160           (a) Incorporated under the provisions of chapter 617 and  
161 approved by the Department of State as a Florida corporation not  
162 for profit;

163           (b) Organized and operated to receive, hold, invest, and  
164 administer property and to make expenditures to or for the  
165 benefit of the university; and

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

169 (2) The number of the board of directors of the direct-  
170 support organization shall be determined by the president of the  
171 university. Membership on the board of directors of the direct-  
172 support organization shall include the professional expertise  
173 needed to ensure that the university is meeting its dual  
174 purposes of historic preservation and historic preservation  
175 education. Such membership shall include, but not be limited to,  
176 a licensed architect who has expertise in historic preservation  
177 and architectural history, a professional historian in the field  
178 of American history, and a professional archaeologist. All board  
179 members must have demonstrated interest in the preservation of  
180 Florida's historical and archaeological heritage. Membership on  
181 the board of directors must be representative of the areas of  
182 the state served by the direct-support organization and the  
183 university in its preservation efforts. The president of the  
184 university, or the president's designee, shall serve as a member  
185 of the board of directors.

186 (3) The direct-support organization shall operate under  
187 written contract with the university. The contract must provide  
188 for:

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

191 (b) Submission of an annual budget for the approval of the  
192 university. The budget must comply with rules adopted by the  
193 university.

194        (c) Certification by the university that the direct-  
195 support organization is complying with the terms of the contract  
196 and in a manner consistent with the historic preservation goals  
197 and purposes of the university and in the best interest of the  
198 state. Such certification must be made annually by the  
199 university and reported in the official minutes of a meeting of  
200 the university.

201        (d) The reversion to the university, or the state if the  
202 university ceases to exist, of moneys and property held in trust  
203 by the direct-support organization for the benefit of the  
204 university if the direct-support organization is no longer  
205 approved to operate for the university or if the university  
206 ceases to exist.

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

210        (f) The disclosure of material provisions of the contract  
211 and the distinction between the University of Florida and the  
212 direct-support organization to donors of gifts, contributions,  
213 or bequests, as well as on all promotional and fundraising  
214 publications.

215        (4) The university may authorize a direct-support  
216 organization to use its property (except money), facilities, and  
217 personal services, subject to the provisions of this section and  
218 s. 1004.28. A direct-support organization that does not provide  
219 equal employment opportunities to all persons regardless of  
220 race, color, religion, sex, age, or national origin may not use  
221 the property, facilities, or personal services of the



222 university. For the purposes of this subsection, the term  
 223 "personal services" includes full-time personnel and part-time  
 224 personnel as well as payroll processing.

225 (5) The university shall establish policies and may adopt  
 226 rules pursuant to s. 1004.28 prescribing the procedures by which  
 227 the direct-support organization is governed and any conditions  
 228 with which a direct-support organization must comply to use  
 229 property, facilities, or personal services of the university.

230 (6) Any moneys may be held in a separate depository  
 231 account in the name of the direct-support organization and  
 232 subject to the provisions of the contract with the university.  
 233 Such moneys may include lease income, admissions income,  
 234 membership fees, private donations, income derived from  
 235 fundraising activities, and grants applied for and received by  
 236 the direct-support organization.

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

239 (8) Provisions governing direct-support organizations in  
 240 s. 1004.28 and not provided in this section shall apply to the  
 241 direct-support organization.

242 Section 3. Upon execution of a contract between the Board  
 243 of Trustees of the Internal Improvement Trust Fund and the  
 244 University of Florida for the management of state-owned  
 245 properties currently managed by the City of St. Augustine under  
 246 contract with the Department of State, section 267.171, Florida  
 247 Statutes, is repealed.

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