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HB 851, Engrossed 1

2007 Legislature

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;

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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:

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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

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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

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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:

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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.

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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

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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.

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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

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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.