

By the Committee on Higher Education; and Senator Gaetz

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1 A bill to be entitled

2 An act relating to the management of Historic Pensacola
3 properties; amending s. 267.173, F.S.; providing for the
4 University of West Florida to directly contract for
5 management of certain state-owned properties in Pensacola;
6 requiring agreement of all parties to existing contracts
7 and execution of contract with the Board of Trustees of
8 the Internal Improvement Trust Fund; deleting a
9 requirement to contract with the Department of State for
10 certain historic properties in Pensacola; deleting
11 provisions related to transfer of properties and contract
12 requirements with the Department of State; permitting the
13 University of West Florida to contract with its direct-
14 support organization for management of historic
15 properties; providing eligibility for certain grants;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 267.173, Florida Statutes, is amended to
21 read:

22 267.173 Historic preservation in West Florida; goals;
23 contracts for historic preservation; powers and duties.--

24 (1) It is the goal of the state to continue ~~for contracting~~
25 ~~with the University of West Florida is~~ to ensure long-term
26 preservation and interpretation of state-owned historic
27 properties ~~under the jurisdiction of the Historic Pensacola~~
28 ~~Preservation Board of Trustees~~ while facilitating an educational
29 program at the University of West Florida that will be responsive

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30 to the state's needs for professionals in historic preservation,
31 archaeology, cultural resource management, and museum
32 administration and will help meet needs of West Florida
33 communities through educational internships and practicums.

34 (2) Upon agreement by all parties to the contracts
35 ~~Department of State shall contract with the University of West~~
36 ~~Florida~~ for the management of the various state-owned properties
37 managed by the Historic Pensacola Preservation Board of Trustees
38 prior to July 1, 2001, all existing management contracts shall be
39 rescinded upon execution of a contract between the Board of
40 Trustees of the Internal Improvement Trust Fund and the
41 University of West Florida for the management of those
42 properties. The University of West Florida ~~contract~~ shall provide
43 for that the University of West Florida shall use all proceeds
44 derived from the management of these state-owned properties and
45 may contract for such management with its direct-support
46 organization as described in s. 267.1732. Any contract for the
47 management of the properties shall provide that the University of
48 West Florida or its direct-support organization shall use all
49 proceeds derived from the management of the state-owned
50 properties for the purposes ~~purpose~~ of advancing historic
51 preservation, historic preservation research, and historic
52 preservation education.

53 (3) The Board of Trustees of the Internal Improvement Trust
54 Fund ~~Department of State~~ may transfer ownership and
55 responsibility to any artifacts, documents, equipment, and other
56 forms of tangible personal property to the University of West
57 Florida to assist the university in the transition of the
58 management of the state-owned properties. ~~All records, personnel,~~

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59 ~~property, other than real property held under lease by the~~
60 ~~department from the Board of Trustees of the Internal Improvement~~
61 ~~Trust Fund, and unexpended balances of appropriations,~~
62 ~~allocations, or other funds of the Historic Pensacola Board of~~
63 ~~Trustees shall be transferred to the University of West Florida~~
64 ~~to be used for its historic preservation activities and~~
65 ~~responsibilities as set forth in the contract with the Department~~
66 ~~of State. The transfer of segregated funds must be made in such a~~
67 ~~manner that the relation between program and revenue source as~~
68 ~~provided by law is retained.~~

69 (4) (a) The University of West Florida is the governing body
70 for the management and maintenance of state-owned properties
71 contracted by this section and shall exercise those powers
72 provided through the contract with the Board of Trustees of the
73 Internal Improvement Trust Fund ~~delegated to it by contract~~ as
74 well as performing all lawful acts necessary, ~~and~~ convenient, and
75 incident to the effectuating of the contract, its management and
76 function, and the purposes ~~purpose~~ under this section and s.
77 267.1732. The University of West Florida may contract with its
78 direct-support organization described in s. 267.1732 to perform
79 all acts that are lawful and permitted for not-for-profit
80 corporations under chapter 617 in assisting the university in
81 carrying out its responsibilities for historic preservation, ~~and~~
82 historic preservation research, and historic preservation
83 education responsibilities.

84 (b) The university or its direct-support organization, if
85 permitted in its contract with the university, shall have the
86 power to engage in any lawful business or activity to establish,
87 maintain, and operate the state-owned facilities and properties

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88 governed by this section ~~under contract with the Department of~~
89 ~~State~~, including, but not limited to:

90 1. The renting or leasing for revenue of any land, improved
91 or restored real estate, or personal property directly related to
92 carrying out the purposes for historic preservation, historic
93 preservation research, and historic preservation education under
94 terms and conditions of the contract with the Board of Trustees
95 of the Internal Improvement Trust Fund ~~Department of State~~ and
96 deemed by the university to be in the best interest of the state.

97 2. The selling of craft products created through the
98 operation and demonstration of historical museums, craft shops,
99 and other facilities.

100 3. The limited selling of merchandise relating to Florida
101 history and archaeology ~~the historical and antiquarian period of~~
102 ~~Pensacola and its surrounding territory and the historical period~~
103 ~~of West Florida from the Apalachicola River to the western~~
104 ~~boundaries of the state.~~

105 (c) The university or its direct-support organization, if
106 permitted in the ~~its~~ contract with the university, shall have the
107 authority to:

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

111 2. Fix and collect charges for admission to any of the
112 state-owned facilities governed by this section ~~under contract~~
113 ~~with the Department of State.~~

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

116 4. Adopt and enforce reasonable rules, regulations, or

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117 policies to govern the conduct of the visiting public.

118 (5) The Division of Historical Resources in the Department
119 of State may contract with the University of West Florida to
120 serve as the regional office for the West Florida region of the
121 state from the Apalachicola River to the western boundaries of
122 the state. In lieu of the establishment of a citizen advisory
123 board as required by s. 267.031(5)(m), the University of West
124 Florida may use an existing direct-support organization of the
125 university provided that the membership of the direct-support
126 organization is representative of the area of the state to be
127 served and provides the needed expertise in the area of historic
128 preservation.

129 (6) Notwithstanding the provisions of s. 287.057, the
130 University of West Florida or its direct-support organization may
131 enter into contracts or agreements with or without competitive
132 bidding, in its discretion, for the protection, enhancement, or
133 preservation of historic properties.

134
135 (7) Notwithstanding s. 273.055, the University of West
136 Florida may exchange, sell, or otherwise transfer any artifact,
137 document, equipment and other form of tangible personal property
138 if its direct-support organization recommends such exchange,
139 sale, or transfer to the president of the university and if it is
140 determined that the object is no longer appropriate for the
141 purpose of advancing historic preservation. However, any
142 artifact, document, or other form of tangible personal property
143 that has intrinsic historical or archaeological value relating to
144 the history, government, or culture of the state may not be

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145 | exchanged, sold, or otherwise transferred without prior
146 | authorization from the Department of State.

147 | (8) Notwithstanding any other provision of law, the
148 | University of West Florida and its direct-support organization
149 | are eligible to match state funds in the University Major Gifts
150 | Program established pursuant to s. 1011.94 and in the Alec P.
151 | Courtelis University Facility Enhancement Challenge Grant Program
152 | established pursuant to s. 1013.79.

153 | Section 2. This act shall take effect July 1, 2008.