

By Senator Fasano

11-03671A-08

20082144__

1 A bill to be entitled

2 An act relating to trust funds; terminating specified
3 trust funds within the Department of State; providing for
4 disposition of balances in and revenues of such trust
5 funds; prescribing procedures for the termination of such
6 trust funds; amending s. 257.43, F.S.; requiring that
7 certain moneys received by the Division of Library and
8 Information Services be held in the Grants and Donations
9 Trust Fund rather than the operating trust fund; amending
10 ss. 265.284 and 265.703, F.S.; requiring that certain
11 donations and income received by the Division of Cultural
12 Affairs, including moneys received from rentals of
13 facilities and properties, be deposited into the Grants
14 and Donations Trust Fund; eliminating provisions creating
15 the Florida Fine Arts Trust Fund; amending ss. 267.0617,
16 267.0619, 267.072, 267.0731, 267.074, and 267.115, F.S.;
17 providing for the Grants and Donations Trust Fund rather
18 than the Historical Resources Operating Trust Fund to be
19 used for administering the Historic Preservation Grant
20 Program, the program providing Historical Museum Grants,
21 Museum of Florida History programs, the Great Floridians
22 Program, the State Historical Marker Program, and
23 provisions governing objects of historical or
24 archaeological value; amending ss. 267.081 and 267.17,
25 F.S.; requiring that moneys received by the Division of
26 Historical Resources from the sale of publications and the
27 rental of facilities and properties be held in the Grants
28 and Donations Trust Fund rather than the operating trust
29 fund; amending s. 267.174, F.S.; providing for the Grants

11-03671A-08

20082144__

30 and Donations Trust Fund rather than the Historical
31 Operating Trust Fund to receive remaining assets following
32 the termination of the Discovery of Florida Quincentennial
33 Commemoration Commission and its support organization;
34 providing an effective date.
35

36 Be It Enacted by the Legislature of the State of Florida:
37

38 Section 1. (1) The following trust funds within the
39 Department of State are terminated:

40 (a) The Operating Trust Fund, FLAIR number 45-2-510;

41 (b) The Library Services Trust Fund, FLAIR number 45-2-450;

42 and

43 (c) The Fine Arts Trust Fund, FLAIR number 45-2-279.

44 (2) All current balances remaining in the trust funds on
45 the date of termination shall be transferred to the Grants and
46 Donations Trust Fund within the Department of State.

47 (3) The Department of State shall pay any outstanding debts
48 and obligations of the terminated funds as soon as practicable,
49 and the Chief Financial Officer shall close out and remove the
50 terminated funds from various state accounting systems using
51 generally accepted accounting principles concerning warrants
52 outstanding, assets, and liabilities.

53 Section 2. Paragraph (a) of subsection (2) of section
54 257.43, Florida Statutes, is amended to read:

55 257.43 Citizen support organization; use of state
56 administrative services and property; audit.--

57 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

11-03671A-08

20082144__

58 (a) The division may fix and collect charges for the rental
59 of facilities and properties managed by the division and may
60 permit, without charge, appropriate use of administrative
61 services, property, and facilities of the division by a citizen
62 support organization, subject to the provisions of this section.
63 Such use must be directly in keeping with the approved purposes
64 of the citizen support organization and may not be made at times
65 or places that would unreasonably interfere with opportunities
66 for the general public to use such facilities for established
67 purposes. Any moneys received from rentals of facilities and
68 properties managed by the division may be held in the Grants and
69 Donations ~~operating~~ Trust Fund of the division or in a separate
70 depository account in the name of the citizen support
71 organization and subject to the provisions of the letter of
72 agreement with the division. The letter of agreement shall
73 provide that any funds held in the separate depository account in
74 the name of the citizen support organization shall revert to the
75 division if the citizen support organization is no longer
76 approved by the division to operate in the best interests of the
77 state.

78 Section 3. Paragraph (e) of subsection (3) and subsections
79 (4), (5), and (6) of section 265.284, Florida Statutes, are
80 amended to read:

81 265.284 Chief cultural officer; director of division;
82 powers and duties.--

83 (3) The Division of Cultural Affairs shall have direct
84 administrative authority and responsibility for all of the
85 programs authorized by this act. In furtherance thereof, the
86 division shall have the authority to:

11-03671A-08

20082144__

87 (e) Accept on behalf of the state donations of money,
88 property, art objects, and antiquities. Such donations of money
89 and any cash income which may be received by the division or
90 which were previously received by the Florida Fine Arts Council
91 from the disposal of any donations of property, art objects, or
92 antiquities shall be deposited into the Grants and Donations a
93 ~~separate~~ Trust Fund for ~~and are hereby appropriated to the use by~~
94 ~~of~~ the division for the purposes of this act.

95 ~~(4) There is created the Florida Fine Arts Trust Fund to be~~
96 ~~administered by the Department of State for the purposes set~~
97 ~~forth by law. The Florida Fine Arts Trust Fund shall consist of~~
98 ~~moneys appropriated by the Legislature and moneys contributed to~~
99 ~~the fund from any other source.~~

100 (4)(5) The division is further authorized to:

101 (a) Accept and administer moneys appropriated by the
102 Legislature, and moneys received from the Federal Government or
103 from other public or private sources, for the development of
104 nationally recognized Florida performing arts groups through a
105 state touring program. The division shall develop and establish a
106 selection procedure which will ensure maximum opportunity for
107 selection of and participation by Florida performing arts groups
108 in the state touring program.

109 (b) Sponsor performances and exhibits; promote and
110 encourage the study and appreciation of fine arts; and collect,
111 publish, and print pamphlets, papers, newsletters, and other
112 materials relating to fine arts programs available throughout the
113 state.

114 (c) Conduct and support cultural programs and cultural
115 exchanges in conjunction with the appropriate state agencies,

11-03671A-08

20082144__

116 including the acceptance of funding, technical assistance, and
117 other forms of support for such purposes.

118 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
119 implement provisions of law conferring duties on it.

120 ~~(5)(6)~~ Notwithstanding any provision of s. 287.022 or s.
121 287.025(1)(e), the division may enter into contracts to insure
122 museum collections, artifacts, relics, and fine arts to which it
123 holds title.

124 Section 4. Paragraph (a) of subsection (2) of section
125 265.703, Florida Statutes, is amended to read:

126 265.703 Citizen support organization; use of state
127 administrative services and property; audit.--

128 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

129 (a) The division may fix and collect charges for the rental
130 of facilities and properties managed by the division and may
131 permit, without charge, appropriate use of administrative
132 services, property, and facilities of the division by a citizen
133 support organization, subject to the provisions of this section.
134 Such use must be directly in keeping with the approved purposes
135 of the citizen support organization and may not be made at times
136 or places that would unreasonably interfere with opportunities
137 for the general public to use such facilities for established
138 purposes. Any moneys received from rentals of facilities and
139 properties managed by the division may be held in the Grants and
140 Donations ~~operating~~ Trust Fund of the division or in a separate
141 depository account in the name of the citizen support
142 organization and subject to the provisions of the letter of
143 agreement with the division. The letter of agreement shall
144 provide that any funds held in the separate depository account in

11-03671A-08

20082144__

145 the name of the citizen support organization shall revert to the
146 division if the citizen support organization is no longer
147 approved by the division to operate in the best interests of the
148 state.

149 Section 5. Subsections (2) and (3) of section 267.0617,
150 Florida Statutes, are amended to read:

151 267.0617 Historic Preservation Grant Program.--

152 (2) The division is authorized to conduct and carry out a
153 program of historic preservation grants-in-aid, including
154 matching grants, to any department or agency of the state; any
155 unit of county, municipal, or other local government; any
156 corporation, partnership, or other organization, whether public
157 or private or whether or not for profit; or any individual for
158 projects having as their purpose the identification, acquisition,
159 protection, preservation, rehabilitation, restoration, or
160 construction of historic sites and properties, or Florida
161 history, or the planning of such activities. Funds appropriated
162 from general revenue for the historic preservation grants-in-aid
163 program shall not be provided for a project owned by private
164 individuals or owned by for-profit corporations. All moneys
165 received from any source as appropriations, deposits, or
166 contributions to this program shall be paid and credited to the
167 Grants and Donations ~~Historical Resources Operating~~ Trust Fund.

168 (3) All grants of state funds to assist in the preservation
169 of historic properties shall be made from the Grants and
170 Donations ~~Historical Resources Operating~~ Trust Fund and may be
171 awarded only pursuant to applications for such assistance made to
172 the Division of Historical Resources. The Florida Historical
173 Commission shall review each application for a special category

11-03671A-08

20082144__

174 historic preservation grant-in-aid. Special category historic
175 preservation grants-in-aid are those reviewed and recommended by
176 the Secretary of State for submission for legislative funding
177 consideration. Grant review panels appointed by the Secretary of
178 State and chaired by a member of the Florida Historical
179 Commission or a designee appointed by the commission's presiding
180 officer shall review each application for other historic
181 preservation grants-in-aid. The reviewing body shall submit
182 annually to the Secretary of State for approval lists of all
183 applications that are recommended by the reviewing body for the
184 award of grants, arranged in order of priority.

185 Section 6. Subsections (1), (4), and (5) of section
186 267.0619, Florida Statutes, are amended to read:

187 267.0619 Historical Museum Grants.--The division may
188 conduct a program to provide:

189 (1) (a) Grants from the Grants and Donations ~~Historical~~
190 ~~Resources Operating~~ Trust Fund, including matching grants, to a
191 department or agency of the state; a unit of county, municipal,
192 or other local government; or a public or private profit or
193 nonprofit corporation, partnership, or other organization to
194 assist in the development of public educational exhibits relating
195 to the historical resources of Florida; and

196 (b) Grants from the Grants and Donations ~~Historical~~
197 ~~Resources Operating~~ Trust Fund to Florida history museums that
198 are not state-operated to assist such museums in paying for
199 operating costs.

200 (4) Money received as an appropriation or contribution to
201 the grants program must be deposited into the Grants and
202 Donations ~~Historical Resources Operating~~ Trust Fund. Money

11-03671A-08

20082144__

203 appropriated from general revenue to the trust fund for the
204 program may not be granted to a private for-profit museum. Money
205 appropriated from any source to the trust fund for the program
206 may not be granted to pay the cost of locating, identifying,
207 evaluating, acquiring, preserving, protecting, restoring,
208 rehabilitating, stabilizing, or excavating an archaeological or
209 historic site or a historic building or the planning of any of
210 those activities.

211 (5) The division may grant moneys quarterly from the Grants
212 and Donations ~~Historical Resources Operating~~ Trust Fund to
213 history museums in advance of an exhibit or program for which the
214 moneys are granted.

215 Section 7. Subsections (1) and (3) of section 267.072,
216 Florida Statutes, are amended to read:

217 267.072 Museum of Florida history programs.--

218 (1) The division shall establish and administer a museum
219 store in the Museum of Florida History to provide information and
220 materials relating to museum exhibits, collections, and programs
221 to the public. The store may produce, acquire, and sell craft
222 products, replicas and reproductions of artifacts, documents, and
223 other merchandise relating to historical and cultural resources
224 and may make a reasonable charge for such merchandise. All
225 proceeds received from sales must be deposited into the Grants
226 and Donations ~~Historical Resources Operating~~ Trust Fund or, funds
227 in excess of the amount required to pay employees involved in the
228 direct management of the museum store, may be deposited into a
229 bank account of the citizen support organization created pursuant
230 to s. 267.17 and may only be used to support the programs of the
231 Museum of Florida History. The museum store may enter into

11-03671A-08

20082144__

232 | agreements and accept credit-card payments as compensation for
233 | goods and products sold. The division may establish accounts in
234 | credit-card banks for the deposit of credit-card sales invoices
235 | and to pay discounts and service charges in connection with the
236 | use of credit cards.

237 | (3) The division shall deposit gifts and donations for the
238 | purpose of assisting the Museum of Florida History and its
239 | programs in the Grants and Donations ~~Historical Resources~~
240 | ~~Operating~~ Trust Fund to be used exclusively for the benefit of
241 | programs of the museum and in a manner consistent with any terms
242 | or conditions agreed to by the division in accepting such gifts.

243 | Section 8. Paragraph (a) of subsection (2) of section
244 | 267.0731, Florida Statutes, is amended to read:

245 | 267.0731 Great Floridians Program.--The division shall
246 | establish and administer a program, to be entitled the Great
247 | Floridians Program, which shall be designed to recognize and
248 | record the achievements of Floridians, living and deceased, who
249 | have made major contributions to the progress and welfare of this
250 | state.

251 | (2) Upon designation of a person as a Great Floridian by
252 | the Secretary of State, the division shall undertake appropriate
253 | activities intended to achieve wide public knowledge of the
254 | person designated.

255 | (a) The division may seek to initiate production of a film
256 | or videotape depicting the life and contributions of the designee
257 | to this state and to the nation. If technology surpasses the use
258 | of film or videotape, another medium of equal quality may be
259 | used.

11-03671A-08

20082144__

260 1. In the production of such films, the division shall seek
261 cooperation from local volunteers throughout the state and, in
262 particular, shall seek fundraising and other assistance of the
263 citizen support organization created pursuant to s. 267.17 to
264 support the programs of the Museum of Florida History.

265 2. The Museum of Florida History shall be the repository of
266 the original negative, the original master tape, and all
267 cuttings, of any film or videotape produced under the authority
268 of this paragraph. The division also may exercise the right of
269 trademark over the terms "Great Floridian" or "Great Floridians"
270 pursuant to s. 286.031.

271 3. The division shall arrange for the distribution of
272 copies of all films to the general public, public television
273 stations, educational institutions, and others and may establish
274 a reasonable charge to recover costs associated with production
275 and to provide a source of revenue to assist with reproduction,
276 marketing, and distribution of Great Floridians films. Proceeds
277 from such charges shall be deposited into the Grants and
278 Donations Historical Resources Operating Trust Fund.

279 Section 9. Subsection (8) of section 267.074, Florida
280 Statutes, is amended to read:

281 267.074 State Historical Marker Program.--The division
282 shall coordinate and direct the State Historical Marker Program,
283 which shall be a program of popular history and heritage designed
284 to inform the general public about persons, events, structures,
285 and other topics relating to the history and culture of the
286 state; encourage interest in preserving the historical resources
287 of the state and its localities; promote a sense of community and

11-03671A-08

20082144__

288 | place among Florida citizens; and provide for the enjoyment and
289 | edification of tourists.

290 | (8) Funds for the creation and placement of an Official
291 | Florida Historical Marker shall be provided by the agency,
292 | organization, individual, or other entity proposing the marker.
293 | The division may erect Official Florida Historical Markers at its
294 | own expense and may make competitive grants from the Grants and
295 | Donations ~~Historical Resources Operating~~ Trust Fund, pursuant to
296 | s. 267.0617, to assist in funding the costs of Official Florida
297 | Historical Markers. All Official Florida Historical Markers shall
298 | be considered property of the state.

299 | Section 10. Paragraph (d) of subsection (1) of section
300 | 267.081, Florida Statutes, is amended to read:

301 | 267.081 Publications.--

302 | (1) It is the duty of the division to:

303 | (d) Hold any moneys received from the sale of publications
304 | by the division in the Grants and Donations ~~operating~~ Trust Fund
305 | of the division or in a separate depository account in the name
306 | of a citizen support organization formed pursuant to s. 267.17
307 | and subject to the provision of a letter of agreement with the
308 | division.

309 | Section 11. Subsection (5) of section 267.115, Florida
310 | Statutes, is amended to read:

311 | 267.115 Objects of historical or archaeological value.--The
312 | division shall acquire, maintain, preserve, interpret, exhibit,
313 | and make available for study objects which have intrinsic
314 | historical or archaeological value relating to the history,
315 | government, or culture of the state. Such objects may include
316 | tangible personal property of historical or archaeological value.

11-03671A-08

20082144__

317 | Objects acquired under this section belong to the state, and
318 | title to such objects is vested in the division.

319 | (5) All moneys received from the sale of an object which
320 | has historical or archaeological value pursuant to subsection (3)
321 | shall be deposited in the Grants and Donations ~~Historical~~
322 | ~~Resources-Operating~~ Trust Fund and shall be used exclusively for
323 | the acquisition of additional historical and archaeological
324 | objects or the preservation and maintenance of any such objects
325 | in the custody of the division.

326 | Section 12. Paragraph (a) of subsection (2) of section
327 | 267.17, Florida Statutes, is amended to read:

328 | 267.17 Citizen support organizations; use of state
329 | administrative services and property; audit.--

330 | (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.--

331 | (a) The division may fix and collect charges for the rental
332 | of facilities and properties managed by the division and may
333 | permit, without charge, appropriate use of administrative
334 | services, property, and facilities of the division by a citizen
335 | support organization, subject to the provisions of this section.
336 | Such use must be directly in keeping with the approved purposes
337 | of the citizen support organization and may not be made at times
338 | or places that would unreasonably interfere with opportunities
339 | for the general public to use such facilities for established
340 | purposes. Any moneys received from rentals of facilities and
341 | properties managed by the division may be held in the Grants and
342 | Donations ~~operating~~ Trust Fund of the division or in a separate
343 | depository account in the name of the citizen support
344 | organization and subject to the provisions of the letter of
345 | agreement with the division.

11-03671A-08

20082144__

346 Section 13. Subsection (9) of section 267.174, Florida
347 Statutes, is amended to read:

348 267.174 Discovery of Florida Quincentennial Commemoration
349 Commission.--

350 (9) TERMINATION OF COMMISSION AND CITIZEN SUPPORT
351 ORGANIZATION.--The commission and the citizen support
352 organization created in subsection (7) shall terminate on July 1,
353 2014. Prior to termination, all documents of the commission and
354 of the citizen support organization shall be transferred to the
355 Department of State and all remaining assets shall be transferred
356 to the Grants and Donations ~~Historical-Operating~~ Trust Fund.

357 Section 14. This act shall take effect July 1, 2009.