

By Senator Lawson

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1 A bill to be entitled
2 An act relating to historical resources; amending s.
3 265.703, F.S.; authorizing the Division of Cultural
4 Affairs of the Department of State to support the
5 establishment of a citizen support organization to provide
6 assistance, funding, and promotional support for the
7 division's programs related to museums; providing that any
8 moneys received by the division from rentals of facilities
9 and properties managed by the division may be held in the
10 division's Grants and Donations Trust Fund; creating s.
11 265.704, F.S.; providing duties of the division with
12 respect to historical museums; authorizing the division to
13 adopt rules; authorizing the division to formulate and
14 enter into contracts with certain entities when necessary;
15 authorizing the division to accept gifts, endowments,
16 grants, bequests, or loans under certain conditions;
17 authorizing the division to establish an endowment
18 consistent with its duties; creating s. 265.706, F.S.;
19 providing definitions; creating s. 265.707, F.S.;
20 requiring that the division acquire, maintain, preserve,
21 interpret, exhibit, and make available for study objects
22 having certain historical or archaeological value;
23 providing that such objects acquired pursuant to certain
24 provisions of state law belong to the state, with title
25 thereto vested in the division; requiring that the
26 division maintain a record of all such objects in its
27 custody; requiring that the division annually inventory
28 objects according to their value; authorizing the division
29 to loan any object in its custody temporarily or

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30 permanently for certain purposes; authorizing the division
31 to transfer, exchange, or sell certain objects to other
32 entities under certain circumstances; exempting the
33 division from certain provisions of state law with respect
34 to such sale, transfer, or exchange; requiring that all
35 moneys received from such sale be deposited into the
36 Grants and Donations Trust Fund and used for specified
37 purposes; requiring that the division adopt rules;
38 providing that certain violations of state law regarding
39 historical objects or rules adopted in conjunction
40 therewith constitute a misdemeanor of the second degree;
41 authorizing the division to enter into contracts to insure
42 objects to which it holds title; transferring,
43 renumbering, and amending s. 267.072, F.S.; requiring that
44 all proceeds from the sale of replicas or reproductions of
45 certain objects be deposited into the trust fund;
46 conforming cross-references to changes made by the act;
47 requiring that the division deposit certain gifts and
48 donations into the trust fund; transferring, renumbering,
49 and amending s. 267.0619, F.S.; deleting provisions
50 related to the Historical Resources Operating Trust Fund,
51 to conform to changes made by the act; deleting a
52 provision relating to application forms for historical
53 museum grants; deleting a provision requiring that certain
54 individuals chair grant review panels; deleting provisions
55 relating to the deposit of moneys received as
56 appropriations or contributions to the grant program;
57 creating s. 265.710, F.S.; authorizing the division to
58 promote and encourage the writing of Florida history and

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59 to edit or produce certain publications relating to its
60 museum programs; authorizing the division to charge a
61 reasonable fee for such publications and hold moneys
62 received from the sale of such publication in the trust
63 fund or an account in the name of the citizen support
64 organization; amending s. 267.0731, F.S.; deleting
65 provisions relating to the formulation of nominations for
66 the Great Floridians Program and the production of films
67 depicting the life or contributions of nominees; requiring
68 that proceeds collected from changes established to
69 recover costs associated with the production of such films
70 be deposited into the trust fund; providing an effective
71 date.

72
73 WHEREAS, the rich and unique heritage of historic properties
74 in this state, which represent more than 10,000 years of human
75 presence, is an important legacy to be valued and conserved for
76 present and future generations, and

77 WHEREAS, the destruction of these nonrenewable historical
78 resources will result in a significant loss to the state's
79 quality of life, economy, and cultural environment, and

80 WHEREAS, it is incumbent upon the government of this state
81 to provide leadership in the preservation of the state's historic
82 resources and administer state-owned or state-controlled historic
83 resources in a spirit of stewardship and trusteeship, NOW,
84 THEREFORE,

85
86 Be It Enacted by the Legislature of the State of Florida:
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88 Section 1. Subsection (1) and paragraph (a) of subsection
89 (2) of section 265.703, Florida Statutes, are amended to read:

90 265.703 Citizen support organization; use of state
91 administrative services and property; audit.--

92 (1) CITIZEN SUPPORT ORGANIZATION.--The division may support
93 the establishment of a citizen support organization to provide
94 assistance, funding, and promotional support for the cultural,
95 ~~and~~ arts, and museum programs of the division. For the purposes
96 of this section, a "citizen support organization" means an
97 organization which is:

98 (a) A Florida corporation not for profit incorporated under
99 the provisions of chapter 617 and approved by the Department of
100 State.

101 (b) Organized and operated to conduct programs and
102 activities; raise funds; request and receive grants, gifts, and
103 bequests of money; acquire, receive, hold, invest, and
104 administer, in its own name, securities, funds, objects of value,
105 or other property, real or personal; and make expenditures to or
106 for the direct or indirect benefit of the division or individual
107 program units of the division.

108 (c) Determined by the division to be consistent with the
109 goals of the division and in the best interests of the state.

110 (d) Approved in writing by the division to operate for the
111 direct or indirect benefit of the division. Such approval shall
112 be given in a letter of agreement from the division.

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

114 (a) The division may fix and collect charges for the rental
115 of facilities and properties managed by the division and may
116 permit, without charge, appropriate use of administrative

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117 services, property, and facilities of the division by a citizen
118 support organization, subject to the provisions of this section.
119 Such use must be directly in keeping with the approved purposes
120 of the citizen support organization and may not be made at times
121 or places that would unreasonably interfere with opportunities
122 for the general public to use such facilities for established
123 purposes. Any moneys received from rentals of facilities and
124 properties managed by the division may be held in the Grants and
125 Donations ~~operating~~ Trust Fund of the division or in a separate
126 depository account in the name of the citizen support
127 organization and subject to the provisions of the letter of
128 agreement with the division. The letter of agreement shall
129 provide that any funds held in the separate depository account in
130 the name of the citizen support organization shall revert to the
131 division if the citizen support organization is no longer
132 approved by the division to operate in the best interests of the
133 state.

134 Section 2. Section 265.704, Florida Statutes, is created to
135 read:

136 265.704 Historical museums.--

137 (1) It is the duty of the Division of Cultural Affairs of
138 the Department of State to:

139 (a) Promote and encourage knowledge and appreciation of the
140 history of this state by encouraging its residents to engage in:

141 1. Preservation and care of artifacts, museum items,
142 treasure trove, and other historical properties;

143 2. Collection, research, fabrication, exhibition,
144 preservation, and interpretation of historical materials;

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145 3. Publicizing the state's history through publicly
146 accessible media; and

147 4. Other activities related to this state's history.

148 (b) Encourage, promote, maintain, and operate historical
149 museums, including, but not limited to, mobile museums, junior
150 museums, and the Museum of Florida History in the state capital.

151 (c) Plan and develop, in cooperation with other state
152 agencies and municipalities, programs to promote and encourage
153 the teaching of Florida's history and heritage in Florida schools
154 and other educational institutions, and other educational
155 programs as may be appropriate.

156 (2) The division has authority to adopt rules pursuant to
157 ss. 120.536(1) and 120.54 to implement the provisions of ss.
158 265.704-265.710.

159 (3) The division may formulate and enter into any contracts
160 and agreements with other agencies, organizations, associations,
161 corporations, individuals, or federal agencies as it determines
162 necessary, expedient, or incidental to the performance of its
163 duties or the execution of its powers under ss. 265.704-265.710.

164 (4) The division may accept gifts, grants, bequests, loans,
165 and endowments for purposes not inconsistent with its
166 responsibilities under this chapter. The division may also
167 establish an endowment that is consistent with its
168 responsibilities under ss. 265.704-265.710.

169 (5) The division may establish professional standards for
170 the preservation of historic resources under state ownership or
171 control. This subsection does not include acquisition of such
172 resources.

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173 (6) The division may take such other actions necessary or
174 appropriate to locate, acquire, protect, preserve, operate,
175 interpret, or promote the location, acquisition, protection,
176 preservation, operation, or interpretation of historic resources
177 for the purpose of fostering an appreciation of Florida's history
178 and culture. Before the acquisition, preservation,
179 interpretation, or operation of a historic property by a state
180 agency, the division shall:

181 (a) Have a reasonable opportunity to review and comment on
182 the proposed undertaking; and

183 (b) Produce a written determination confirming the
184 existence of historical authenticity and a feasible means of
185 providing for the preservation, interpretation, and operation of
186 such property.

187 Section 3. Section 265.706, Florida Statutes, is created to
188 read:

189 265.706 Definitions related to historically based
190 programs.--As applied to any program relating to the preservation
191 of this state's historic resources or the administration of
192 state-owned or state-controlled historic resources, the term:

193 (1) "Agency" means any state, county, or municipal officer,
194 department, division, board, bureau, commission, or other
195 separate unit of government created or established by law.

196 (2) "Division" means the Division of Cultural Affairs of
197 the Department of State.

198 (3) "Florida history museum" means a public or private
199 nonprofit institution established permanently in this state for
200 the purpose of promoting or encouraging knowledge and
201 appreciation of Florida history through the collection,

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202 preservation, exhibition, or interpretation of artifacts and
203 other historical properties related to Florida history, the
204 primary role of which is to collect and care for artifacts and
205 other objects of intrinsic historical or archaeological value and
206 exhibit them regularly through a facility or facilities owned or
207 operated by the institution.

208 (4) "Historic property" or "historic resource" means any
209 prehistoric or historic district, site, building, object, or
210 other real or personal property of historical, architectural, or
211 archaeological value, including folklife resources. These
212 properties or resources may include, but are not limited to,
213 monuments, memorials, Indian habitations, ceremonial sites,
214 abandoned settlements, sunken or abandoned ships, engineering
215 works, treasure troves, artifacts, or other objects with
216 intrinsic historical or archaeological value, or any part thereof
217 relating to the history, government, and culture of the state.

218 (5) "Preservation" or "historic preservation" means the
219 identification, evaluation, recordation, documentation, analysis,
220 recovery, interpretation, curation, acquisition, protection,
221 management, rehabilitation, restoration, stabilization,
222 maintenance, or reconstruction of historic properties.

223 Section 4. Section 265.707, Florida Statutes, is created to
224 read:

225 265.707 Objects of historical or archaeological value.--The
226 division shall acquire, maintain, preserve, interpret, exhibit,
227 and make available for study objects having intrinsic historical
228 or archaeological value relating to the history, government, or
229 culture of this state. Such objects may include tangible personal
230 property of historical or archaeological value. Objects acquired

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231 pursuant to the provisions of this section belong to the state,
232 and title to such objects is vested in the division.

233 (1) Notwithstanding the provisions of s. 273.02, the
234 division shall maintain an adequate record of all objects in its
235 custody having a historical or archaeological value. Once per
236 year, on July 1 or as soon thereafter as practicable, the
237 division shall take a complete inventory of all such objects in
238 its custody having a value or cost equal to or greater than
239 \$1,000 and a sample inventory of such objects having a value or
240 cost less than \$1,000. Each inventory shall be compared with the
241 property record, and all discrepancies shall be traced and
242 reconciled. Objects of historical or archaeological value are not
243 required to be identified by marking or other physical alteration
244 of the objects.

245 (2) The division may arrange for the temporary or permanent
246 loan of any object which has historical or archaeological value
247 in its custody. Such loans shall be for the purpose of assisting
248 historical, archaeological, or other studies, providing objects
249 relating to interpretive exhibits and other educational programs
250 which promote knowledge and appreciation of Florida history and
251 the programs of the division, or assisting the division in
252 carrying out its responsibility to ensure proper curation of the
253 objects.

254 (3) The division may determine that an object in its
255 custody and owned by the state has no further use or value for
256 the research, exhibit, or educational programs of the division,
257 or that such object will receive more appropriate maintenance and
258 preservation by another agency, institution, or organization, and
259 may loan, exchange, sell, or otherwise transfer ownership and

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260 custody of such object to another agency, institution, or
261 organization for the purpose of ensuring the continued
262 maintenance and preservation of such object, or for the purpose
263 of acquiring another object which better serves the interests of
264 the state and is more appropriate for promoting knowledge and
265 appreciation of Florida history and the programs of the division.

266 (4) For the purpose of the exchange, sale, or other
267 transfer of objects of historical or archaeological value, the
268 division is exempt from the provisions of chapter 273.

269 (5) All moneys received from the sale of an object which
270 has historical or archaeological value pursuant to subsection (3)
271 shall be deposited in the Grants and Donations Trust Fund and
272 used exclusively for the acquisition of additional historical and
273 archaeological objects or the preservation and maintenance of any
274 such objects in the custody of the division.

275 (6) The division shall adopt rules pursuant to ss.
276 120.536(1) and 120.54 prescribing criteria for the inventory and
277 for the loan, exchange, sale, transfer, or other disposal of
278 state-owned objects of historical or archaeological value.

279 (7) Any custodian as defined in s. 273.01(1) who violates
280 any provision of this section or any rule adopted pursuant to
281 this section commits a misdemeanor of the second degree,
282 punishable as provided in s. 775.082 or s. 775.083.

283 (8) Notwithstanding any provision of s. 287.022 or s.
284 287.025(1)(e), the division may enter into contracts to insure
285 museum collections, artifacts, relics, and fine arts to which it
286 holds title.

287 Section 5. Section 267.072, Florida Statutes, is
288 transferred, renumbered as s. 265.708, and amended to read:

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289 265.708 ~~267.072~~ Museum of Florida history programs.--

290 (1) The division shall establish and administer a museum
291 store in the Museum of Florida History to provide information and
292 materials relating to museum exhibits, collections, and programs
293 to the public. The store may produce, acquire, and sell craft
294 products, replicas and reproductions of artifacts, documents, and
295 other merchandise relating to historical and cultural resources
296 and may make a reasonable charge for such merchandise. All
297 proceeds received from sales must be deposited into the Grants
298 and Donations ~~Historical Resources Operating~~ Trust Fund or, funds
299 in excess of the amount required to pay employees involved in the
300 direct management of the museum store, may be deposited into a
301 bank account of the citizen support organization created pursuant
302 to s. 265.703 ~~s. 267.17~~ and may only be used to support the
303 programs of the Museum of Florida History. The museum store may
304 enter into agreements and accept credit-card payments as
305 compensation for goods and products sold. The division may
306 establish accounts in credit-card banks for the deposit of
307 credit-card sales invoices and to pay discounts and service
308 charges in connection with the use of credit cards.

309 (2) The division shall support the establishment and
310 operation of a nonprofit organization or association established
311 pursuant to s. 265.703 ~~s. 267.17~~ to promote and encourage
312 knowledge and appreciation of Florida history and the programs of
313 the Museum of Florida History and to cooperate with historical
314 societies and other organizations to provide funding and
315 promotional support for the programs of the museum. Such
316 organization or association may, with the consent of the
317 division, operate the museum store or conduct special events and

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318 programs in the museum. All proceeds must be used to support the
319 programs of the Museum of Florida History.

320 (3) The division shall deposit gifts and donations for the
321 purpose of assisting the Museum of Florida History and its
322 programs in the Grants and Donations ~~Historical Resources~~
323 ~~Operating~~ Trust Fund to be used exclusively for the benefit of
324 programs of the museum and in a manner consistent with any terms
325 or conditions agreed to by the division in accepting such gifts.

326 Section 6. Section 267.0619, Florida Statutes, is
327 transferred, renumbered as 265.709, and amended to read:

328 265.709 ~~267.0619~~ Historical Museum Grants.--The division
329 may conduct a program to provide:

330 (1) (a) Grants ~~from the Historical Resources Operating Trust~~
331 ~~Fund~~, including matching grants, to a department or agency of the
332 state; a unit of county, municipal, or other local government; or
333 a public or private ~~profit or~~ nonprofit corporation, partnership,
334 or other organization to assist in the development of public
335 educational exhibits relating to the historical resources of
336 Florida; and

337 (b) Grants ~~from the Historical Resources Operating Trust~~
338 ~~Fund~~ to Florida history museums that are not state-operated to
339 assist such museums in paying for operating costs.

340 (2) In order to be eligible to receive a grant ~~from the~~
341 ~~trust fund~~ to assist in paying operating costs, a Florida history
342 museum must fulfill the following criteria:

343 (a) The mission of the museum must relate directly and
344 primarily to the history of Florida. If the museum has more than
345 one mission, the museum is eligible to receive a grant for that

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346 | portion of the operating costs which is reasonably attributable
347 | to its mission relating to the history of Florida;

348 | (b) The museum must have been operating and open to the
349 | public for at least 180 days each year during the 2-year period
350 | immediately preceding the date upon which the museum applies for
351 | the grant;

352 | (c) The museum must be open and providing museum services
353 | to the public for at least 180 days each year; and

354 | (d) The museum must currently employ, and must have
355 | employed during the 2-year period immediately preceding the date
356 | upon which the museum applies for the grant, at least one full-
357 | time staff member or the equivalent thereof whose primary
358 | responsibility is to acquire, maintain, and exhibit to the public
359 | objects that are owned by, or are on loan to, the museum.

360 | (3) ~~An application for a grant must be made to the division~~
361 | ~~on a form provided by the division.~~ The division shall adopt
362 | rules prescribing categories of grants, application requirements,
363 | criteria and procedures for the review and evaluation of
364 | applications, and other procedures necessary for the
365 | administration of the program, subject to the requirements of
366 | this section. Grant review panels appointed by the Secretary of
367 | State ~~and chaired by a member of the Florida Historical~~
368 | ~~Commission or a designee appointed by the commission's presiding~~
369 | ~~officer~~ shall review each application for a museum grant-in-aid.
370 | The review panel shall submit to the Secretary of State for
371 | approval lists of all applications that are recommended by the
372 | panel for the award of grants, arranged in order of priority. The
373 | division may award a grant to a Florida history museum only if
374 | the award has been approved by the Secretary of State.

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375 (4) Grants ~~Money received as an appropriation or~~
376 ~~contribution to the grants program must be deposited into the~~
377 ~~Historical Resources Operating Trust Fund. Money appropriated~~
378 ~~from general revenue to the trust fund for the program may not be~~
379 awarded ~~granted~~ to a private for-profit museum or used. ~~Money~~
380 ~~appropriated from any source to the trust fund for the program~~
381 ~~may not be granted~~ to pay the cost of locating, identifying,
382 evaluating, acquiring, preserving, protecting, restoring,
383 rehabilitating, stabilizing, or excavating an archaeological or
384 historic site or a historic building or the planning of any of
385 those activities.

386 (5) The division may grant moneys quarterly ~~from the~~
387 ~~Historical Resources Operating Trust Fund~~ to history museums in
388 advance of an exhibit or program for which the moneys are
389 granted.

390 Section 7. Section 265.710, Florida Statutes, is created to
391 read:

392 265.710 Publications.--The division may promote and
393 encourage the writing of Florida history and collect, edit,
394 publish, or print pamphlets, papers, manuscripts, documents,
395 books, monographs, or other materials relating to the Florida
396 historical museums or its museum programs. The division may
397 establish a reasonable charge for such publications and shall
398 hold any moneys received from the sale of publications in the
399 Grants and Donations Trust Fund or in a separate depository
400 account in the name of a citizen support organization formed
401 pursuant to s. 265.703.

402 Section 8. Section 267.0731, Florida Statutes, is amended
403 to read:

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404 267.0731 Great Floridians Program.--The division shall
405 establish and administer a program, to be entitled the Great
406 Floridians Program, which shall be designed to recognize and
407 record the achievements of Floridians, living and deceased, who
408 have made major contributions to the progress and welfare of this
409 state.

410 (1) The division shall nominate present or former citizens
411 of this state, living or deceased, who during their lives have
412 made major contributions to the progress of the nation or this
413 state and its citizens. Nominations shall be submitted to the
414 Secretary of State who shall select from those nominated not less
415 than two persons each year who shall be honored with the
416 designation "Great Floridian," provided no person whose
417 contributions have been through elected or appointed public
418 service shall be selected while holding any such office.

419 (a) To enhance public participation and involvement in the
420 identification of any person worthy of being nominated as a Great
421 Floridian, the division shall seek advice and assistance from
422 persons qualified through the demonstration of special interest,
423 experience, or education in the dissemination of knowledge about
424 the state's history.

425 ~~(b) In formulating its nominations, the division shall also~~
426 ~~seek the assistance of the organization acting in the capacity as~~
427 ~~a citizen support organization of the division, pursuant to s.~~
428 ~~267.17 and approved to act on behalf of the Museum of Florida~~
429 ~~History.~~

430 (b)(e) Annually, the division shall convene an ad hoc
431 committee composed of representatives of the Governor, each
432 member of the Florida Cabinet, the President of the Senate, the

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433 Speaker of the House of Representatives, and the organization
434 described in paragraph (b). This committee shall meet at least
435 twice. The committee shall nominate not fewer than two persons
436 whose names shall be submitted to the Secretary of State with the
437 recommendation that they be honored with the designation "Great
438 Floridian."

439 (2) Upon designation of a person as a Great Floridian by
440 the Secretary of State, the division shall undertake appropriate
441 activities intended to achieve wide public knowledge of the
442 person designated.

443 (a) The division may seek to initiate production of a film
444 or videotape depicting the life and contributions of the designee
445 to this state and to the nation. If technology surpasses the use
446 of film or videotape, another medium of equal quality may be
447 used.

448 ~~1. In the production of such films, the division shall seek~~
449 ~~cooperation from local volunteers throughout the state and, in~~
450 ~~particular, shall seek fundraising and other assistance of the~~
451 ~~citizen support organization created pursuant to s. 267.17 to~~
452 ~~support the programs of the Museum of Florida History.~~

453 1.2. The Department of State Museum of Florida History
454 shall be the repository of the original negative, the original
455 master tape, and all cuttings, of any film or videotape produced
456 under the authority of this paragraph. The division also may
457 exercise the right of trademark over the terms "Great Floridian"
458 or "Great Floridians" pursuant to s. 286.031.

459 ~~2.3.~~ The division shall arrange for the distribution of
460 copies of all films to the general public, public television
461 stations, educational institutions, and others and may establish

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462 a reasonable charge to recover costs associated with production
463 and to provide a source of revenue to assist with reproduction,
464 marketing, and distribution of Great Floridians films. Proceeds
465 from such charges shall be deposited into the Grants and
466 Donations ~~Historical Resources Operating~~ Trust Fund.

467 (b) Deceased persons designated as Great Floridians
468 typically shall be recognized by markers affixed to properties
469 significantly associated with the major contributions of the
470 designee. Such markers shall be erected pursuant to the
471 provisions of s. 267.074.

472 Section 9. This act shall take effect July 1, 2008.