

1                                   A bill to be entitled  
 2           An act relating to 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          language 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.

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

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 20           Section 1.   Section 267.173, Florida Statutes, is amended  
 21   to 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~~  
 25   ~~contracting with the University of West Florida is~~ to ensure  
 26   long-term preservation and interpretation of state-owned  
 27   historic properties ~~under the jurisdiction of the Historic~~  
 28   ~~Pensacola Preservation Board of Trustees~~ while facilitating an

29 | educational program at the University of West Florida that will  
 30 | be responsive to the state's needs for professionals in historic  
 31 | preservation, archaeology, cultural resource management, and  
 32 | museum 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  
 39 | be 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  
 43 | provide for ~~that the University of West Florida shall use all~~  
 44 | ~~proceeds derived from~~ the management of these state-owned  
 45 | properties and may contract for such management with its direct-  
 46 | support organization as described in s. 267.1732. Any contract  
 47 | for the management of the properties shall provide that the  
 48 | University of West Florida or its direct-support organization  
 49 | shall use all proceeds derived from the management of the state-  
 50 | owned properties for the purposes ~~purpose~~ of advancing historic  
 51 | preservation, research, and education.

52 |       (3) The Board of Trustees of the Internal Improvement  
 53 | Trust Fund ~~Department of State~~ may transfer ownership and  
 54 | responsibility to any artifacts, documents, equipment, and other  
 55 | forms of tangible personal property to the University of West  
 56 | Florida to assist the university in the transition of the

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

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

83 (b) The university or its direct-support organization, if  
84 permitted in its contract with the university, shall have the

85 power to engage in any lawful business or activity to establish,  
 86 maintain, and operate the state-owned facilities and properties  
 87 governed by this section ~~under contract with the Department of~~  
 88 ~~State~~, including, but not limited to:

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

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

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

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

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

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

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

115 4. Adopt and enforce reasonable rules, regulations, or  
 116 policies to govern the conduct of the visiting public.

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

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

133 (7) Notwithstanding s. 273.055, the University of West  
 134 Florida may exchange, sell, or otherwise transfer any artifact,  
 135 document, equipment and other form of tangible personal property  
 136 if its direct-support organization recommends such exchange,  
 137 sale, or transfer to the president of the university and if it  
 138 is determined that the object is no longer appropriate for the  
 139 purpose of advancing historic preservation. However, any  
 140 artifact, document, or other form of tangible personal property

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141 that has intrinsic historical or archaeological value relating  
142 to the history, government, or culture of the state may not be  
143 exchanged, sold, or otherwise transferred without prior  
144 authorization from the Department of State.

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

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