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CS/HB 337

2008 Legislature

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.

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

19
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

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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39 | be rescinded upon execution of a contract between the Board of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, historic preservation research, and historic
52 | preservation education.

53 | (3) The Board of Trustees of the Internal Improvement
54 | Trust 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

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

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

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85 (b) The university or its direct-support organization, if
86 permitted in its contract with the university, shall have the
87 power to engage in any lawful business or activity to establish,
88 maintain, and operate the state-owned facilities and properties
89 governed by this section ~~under contract with the Department of~~
90 ~~State~~, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

136 (7) Notwithstanding s. 273.055, the University of West
137 Florida may exchange, sell, or otherwise transfer any artifact,
138 document, equipment and other form of tangible personal property
139 if its direct-support organization recommends such exchange,
140 sale, or transfer to the president of the university and if it

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141 is determined that the object is no longer appropriate for the
142 purpose of advancing historic preservation. However, any
143 artifact, document, or other form of tangible personal property
144 that has intrinsic historical or archaeological value relating
145 to the history, government, or culture of the state may not be
146 exchanged, sold, or otherwise transferred without prior
147 authorization from the Department of State.

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

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