

By Senator Fasano

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1                   A bill to be entitled  
2           An act relating to trust funds; terminating specified  
3           trust funds within the Department of State; providing  
4           for the disposition of balances in and revenues of  
5           such trust funds; prescribing procedures for the  
6           termination of such trust funds; amending s. 257.43,  
7           F.S.; redesignating the operating trust fund of the  
8           Division of Library and Information Services as the  
9           Grants and Donations Trust Fund; amending s. 265.284,  
10          F.S.; redesignating the Florida Fine Arts Trust Fund  
11          within the Division of Cultural Affairs as the Grants  
12          and Donations Trust Fund; amending ss. 267.0617,  
13          267.0731, 267.074, 267.081, 267.115, and 267.17, F.S.;  
14          redesignating the Historical Resources Operating Trust  
15          Fund and the operating trust fund within the Division  
16          of Historical Resources as the Grants and Donations  
17          Trust Fund; providing an effective date.

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

20  
21           Section 1. (1) The following trust funds within the  
22 Department of State are terminated:

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

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

25           and

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

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

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30       (3) The Department of State shall pay any outstanding debts  
31 and obligations of the terminated funds as soon as practicable,  
32 and the Chief Financial Officer shall close out and remove the  
33 terminated funds from various state accounting systems using  
34 generally accepted accounting principles concerning warrants  
35 outstanding, assets, and liabilities.

36       Section 2. Paragraph (a) of subsection (2) of section  
37 257.43, Florida Statutes, is amended to read:

38       257.43 Citizen support organization; use of state  
39 administrative services and property; audit.—

40       (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

41       (a) The division may fix and collect charges for the rental  
42 of facilities and properties managed by the division and may  
43 permit, without charge, appropriate use of administrative  
44 services, property, and facilities of the division by a citizen  
45 support organization, subject to the provisions of this section.  
46 Such use must be directly in keeping with the approved purposes  
47 of the citizen support organization and may not be made at times  
48 or places that would unreasonably interfere with opportunities  
49 for the general public to use such facilities for established  
50 purposes. Any moneys received from rentals of facilities and  
51 properties managed by the division may be held in the Grants and  
52 Donations ~~operating~~ Trust Fund of the division or in a separate  
53 depository account in the name of the citizen support  
54 organization and subject to the provisions of the letter of  
55 agreement with the division. The letter of agreement shall  
56 provide that any funds held in the separate depository account  
57 in the name of the citizen support organization shall revert to  
58 the division if the citizen support organization is no longer

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59 approved by the division to operate in the best interests of the  
60 state.

61 Section 3. Paragraph (e) of subsection (3) and subsection  
62 (4) of section 265.284, Florida Statutes, are amended to read:

63 265.284 Chief cultural officer; director of division;  
64 powers and duties.—

65 (3) The division shall directly administer and oversee all  
66 of the programs authorized by this act. In furtherance thereof,  
67 the division shall:

68 (e) Accept on behalf of the state donations of money,  
69 property, art objects, and antiquities. Such donations of money  
70 and any cash income may be received from the disposal of any  
71 donations of property, art objects, or antiquities, which shall  
72 be deposited into the Grants and Donations ~~Florida Fine Arts~~  
73 Trust Fund and are hereby appropriated for use by the division  
74 for the purposes authorized in this act.

75 ~~(4) There is created the Florida Fine Arts Trust Fund to be~~  
76 ~~administered by the department and which shall consist of moneys~~  
77 ~~appropriated by the Legislature or contributed from any other~~  
78 ~~source.~~

79 Section 4. Subsections (2) and (3) of section 267.0617,  
80 Florida Statutes, are amended to read:

81 267.0617 Historic Preservation Grant Program.—

82 (2) The division is authorized to conduct and carry out a  
83 program of historic preservation grants-in-aid, including  
84 matching grants, to any department or agency of the state; any  
85 unit of county, municipal, or other local government; any  
86 corporation, partnership, or other organization, whether public  
87 or private or whether or not for profit; or any individual for

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88 projects having as their purpose the identification,  
89 acquisition, protection, preservation, rehabilitation,  
90 restoration, or construction of historic sites and properties,  
91 or Florida history, or the planning of such activities. Funds  
92 appropriated from general revenue for the historic preservation  
93 grants-in-aid program shall not be provided for a project owned  
94 by private individuals or owned by for-profit corporations. All  
95 moneys received from any source as appropriations, deposits, or  
96 contributions to this program shall be paid and credited to the  
97 Grants and Donations ~~Historical Resources Operating~~ Trust Fund.

98 (3) All grants of state funds to assist in the preservation  
99 of historic properties shall be made from the Grants and  
100 Donations ~~Historical Resources Operating~~ Trust Fund and may be  
101 awarded only pursuant to applications for such assistance made  
102 to the Division of Historical Resources. The Florida Historical  
103 Commission shall review each application for a special category  
104 historic preservation grant-in-aid. Special category historic  
105 preservation grants-in-aid are those reviewed and recommended by  
106 the Secretary of State for submission for legislative funding  
107 consideration. Grant review panels appointed by the Secretary of  
108 State and chaired by a member of the Florida Historical  
109 Commission or a designee appointed by the commission's presiding  
110 officer shall review each application for other historic  
111 preservation grants-in-aid. The reviewing body shall submit  
112 annually to the Secretary of State for approval lists of all  
113 applications that are recommended by the reviewing body for the  
114 award of grants, arranged in order of priority.

115 Section 5. Paragraph (a) of subsection (2) of section  
116 267.0731, Florida Statutes, is amended to read:

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117           267.0731 Great Floridians Program.—The division shall  
118 establish and administer a program, to be entitled the Great  
119 Floridians Program, which shall be designed to recognize and  
120 record the achievements of Floridians, living and deceased, who  
121 have made major contributions to the progress and welfare of  
122 this state.

123           (2) Upon designation of a person as a Great Floridian by  
124 the Secretary of State, the division shall undertake appropriate  
125 activities intended to achieve wide public knowledge of the  
126 person designated.

127           (a) The division may seek to initiate production of a film  
128 or videotape depicting the life and contributions of the  
129 designee to this state and to the nation. If technology  
130 surpasses the use of film or videotape, another medium of equal  
131 quality may be used.

132           1. The Department of State shall be the repository of the  
133 original negative, the original master tape, and all cuttings,  
134 of any film or videotape produced under the authority of this  
135 paragraph. The division also may exercise the right of trademark  
136 over the terms "Great Floridian" or "Great Floridians" pursuant  
137 to s. 286.031.

138           2. The division shall arrange for the distribution of  
139 copies of all films to the general public, public television  
140 stations, educational institutions, and others and may establish  
141 a reasonable charge to recover costs associated with production  
142 and to provide a source of revenue to assist with reproduction,  
143 marketing, and distribution of Great Floridians films. Proceeds  
144 from such charges shall be deposited into the Grants and  
145 Donations ~~Historical Resources Operating~~ Trust Fund.

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146 Section 6. Subsection (8) of section 267.074, Florida  
147 Statutes, is amended to read:

148 267.074 State Historical Marker Program.—The division shall  
149 coordinate and direct the State Historical Marker Program, which  
150 shall be a program of popular history and heritage designed to  
151 inform the general public about persons, events, structures, and  
152 other topics relating to the history and culture of the state;  
153 encourage interest in preserving the historical resources of the  
154 state and its localities; promote a sense of community and place  
155 among Florida citizens; and provide for the enjoyment and  
156 edification of tourists.

157 (8) Funds for the creation and placement of an Official  
158 Florida Historical Marker shall be provided by the agency,  
159 organization, individual, or other entity proposing the marker.  
160 The division may erect Official Florida Historical Markers at  
161 its own expense and may make competitive grants from the Grants  
162 and Donations ~~Historical Resources Operating~~ Trust Fund,  
163 pursuant to s. 267.0617, to assist in funding the costs of  
164 Official Florida Historical Markers. All Official Florida  
165 Historical Markers shall be considered property of the state.

166 Section 7. Paragraph (d) of subsection (1) of section  
167 267.081, Florida Statutes, is amended to read:

168 267.081 Publications.—

169 (1) It is the duty of the division to:

170 (d) Hold any moneys received from the sale of publications  
171 by the division in the Grants and Donations ~~operating~~ Trust Fund  
172 of the division or in a separate depository account in the name  
173 of a citizen support organization formed pursuant to s. 267.17  
174 and subject to the provision of a letter of agreement with the

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175 division.

176 Section 8. Subsection (5) of section 267.115, Florida  
177 Statutes, is amended to read:

178 267.115 Objects of historical or archaeological value.—The  
179 division shall acquire, maintain, preserve, interpret, exhibit,  
180 and make available for study objects which have intrinsic  
181 historical or archaeological value relating to the history,  
182 government, or culture of the state. Such objects may include  
183 tangible personal property of historical or archaeological  
184 value. Objects acquired under this section belong to the state,  
185 and title to such objects is vested in the division.

186 (5) All moneys received from the sale of an object which  
187 has historical or archaeological value pursuant to subsection  
188 (3) shall be deposited in the Grants and Donations ~~Historical~~  
189 ~~Resources Operating~~ Trust Fund and shall be used exclusively for  
190 the acquisition of additional historical and archaeological  
191 objects or the preservation and maintenance of any such objects  
192 in the custody of the division.

193 Section 9. Paragraph (a) of subsection (2) of section  
194 267.17, Florida Statutes, is amended to read:

195 267.17 Citizen support organizations; use of state  
196 administrative services and property; audit.—

197 (2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

198 (a) The division may fix and collect charges for the rental  
199 of facilities and properties managed by the division and may  
200 permit, without charge, appropriate use of administrative  
201 services, property, and facilities of the division by a citizen  
202 support organization, subject to the provisions of this section.  
203 Such use must be directly in keeping with the approved purposes

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204 of the citizen support organization and may not be made at times  
205 or places that would unreasonably interfere with opportunities  
206 for the general public to use such facilities for established  
207 purposes. Any moneys received from rentals of facilities and  
208 properties managed by the division may be held in the Grants and  
209 Donations ~~operating~~ Trust Fund of the division or in a separate  
210 depository account in the name of the citizen support  
211 organization and subject to the provisions of the letter of  
212 agreement with the division.

213 Section 10. This act shall take effect July 1, 2011.