

By Senator Alexander

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1                   A bill to be entitled  
2           An act relating to the Polk County Historical  
3           Commission, Polk County; amending chapter 96-462, Laws  
4           of Florida; revising the number of commission members;  
5           providing for membership eligibility, terms of  
6           membership, meetings, attendance at meetings, and  
7           rules of procedure; providing for staff; providing  
8           powers and duties; providing for a historical  
9           preservation manager; providing for funding and the  
10          creation of dedicated accounts for the Polk County  
11          Historical Museum and the Genealogical Library;  
12          deleting provisions relating to the Polk County  
13          Historical Association; requiring the board of county  
14          commissioners to provide a repository for certain  
15          materials; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Chapter 96-462, Laws of Florida, is amended to  
20           read:

21           Section 1. There is created a commission to be known as the  
22           "Polk County Historical Commission." The commission shall  
23           consist of 9 ~~13~~ members, appointed by the Polk County Board of  
24           County Commissioners, who meet the following qualifications:

25           (1) The Chairperson of the Polk County Board of County  
26           Commissioners or his or her designated commissioner.

27           (2) A member who is directly involved with the operation of  
28           historic museums, sites, or organizations in Polk County or who  
29           has shown a demonstrated interest in historic preservation and

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30 who resides in Commission District 1.

31 (3) A member who is directly involved with the operation of  
32 historic museums, sites, or organizations in Polk County or who  
33 has shown a demonstrated interest in historic preservation and  
34 who resides in Commission District 2.

35 (4) A member who is directly involved with the operation of  
36 historic museums, sites, or organizations in Polk County or who  
37 has shown a demonstrated interest in historic preservation and  
38 who resides in Commission District 3.

39 (5) A member who is directly involved with the operation of  
40 historic museums, sites, or organizations in Polk County or who  
41 has shown a demonstrated interest in historic preservation and  
42 who resides in Commission District 4.

43 (6) A member who is directly involved with the operation of  
44 historic museums, sites, or organizations in Polk County or who  
45 has shown a demonstrated interest in historic preservation and  
46 who resides in Commission District 5.

47 (7) An at-large member who has shown a demonstrated  
48 interest in historic preservation.

49 (8) An at-large member who has shown a demonstrated  
50 interest in historic preservation.

51 (9) A representative of the Polk County Library  
52 Cooperative.

53  
54 Members 1, 7, 8, and 9 shall be appointed by the chairperson of  
55 the board. Member 2 shall be appointed by the commissioner from  
56 district 1; member 3 shall be appointed by the commissioner from  
57 district 2; member 4 shall be appointed by the commissioner from  
58 district 3; member 5 shall be appointed by the commissioner from

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59 district 4; and member 6 shall be appointed by the commissioner  
60 from district 5 consisting of: Member number one, a member of  
61 the Board of County Commissioners of Polk County; member number  
62 two, a county judge of Polk County; member number three, the  
63 Clerk of the Circuit Court of Polk County; and members numbered  
64 four, five, six, seven, eight, nine, ten, eleven, twelve, and  
65 thirteen, who must be registered voters of Polk County, who must  
66 be appointed by the Polk County Board of County Commissioners,  
67 and whose terms of office are for 4 years and until their  
68 successors are appointed and qualified. In selecting registered  
69 voters to serve as members of the historical commission, the  
70 board of county commissioners shall consider their interest in  
71 the history and cultural lore and development of the county and  
72 state. A member of the commission may not receive any  
73 compensation for service on the commission. Of the 10 members  
74 appointed by the board of county commissioners, two must reside  
75 in each of the five county commission districts.

76 Section 2. (1) All members of the commission shall be  
77 electors of Polk County. Except for the appointed Polk County  
78 Commissioner, members 2, 3, and 4 shall initially serve terms of  
79 2 years each; members 5, 6, and 7 shall initially serve terms of  
80 3 years each; and members 8 and 9 shall initially serve terms of  
81 4 years each. Thereafter, members shall serve staggered terms of  
82 3 years each. Vacancies shall be filled by the chairperson of  
83 the board for the unexpired term in the same manner as the  
84 original appointment. Members may be reappointed to serve one  
85 additional term.

86 (2) Commission members are expected to attend the regularly  
87 scheduled meetings of the board. When a commission member is

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88 unable to attend, he or she must notify the chairperson in  
89 advance of the meeting. Failing to notify the chairperson will  
90 result in the absence being classified as unexcused. Any  
91 commission member failing to obtain an excused absence for three  
92 consecutive meetings may be subject to removal from the  
93 ~~commission shall elect the chairman and other officers of the~~  
94 ~~commission.~~

95 Section 3. A quorum shall consist of five members. ~~The~~  
96 ~~commission may, when necessary, appoint a clerk to be known as~~  
97 ~~"County Historian."~~

98 Section 4. At its first meeting, the commission shall  
99 select from among its membership a chairperson and a vice  
100 chairperson and shall adopt bylaws and rules of procedure.

101 Section 5. The commission shall meet at such times and  
102 locations as announced by the chairperson but not less than  
103 quarterly during any calendar year. All meetings of the  
104 commission are subject to the provisions and protocols of  
105 section 286.011, Florida Statutes, and chapter 119, Florida  
106 Statutes.

107 Section 6. It is the duty of the commission to collect,  
108 arrange, record, and preserve historical material and data,  
109 including books, pamphlets, maps, charts, manuscripts, family  
110 histories, census records, papers, and other objects and  
111 material illustrative of and relating to the history of Polk  
112 County and of Florida and otherwise; to procure and preserve  
113 narratives of the early pioneers and<sup>7</sup> their exploits, perils,  
114 privations, and achievements; and to collect material of every  
115 description relative to the history of its Indian tribes and  
116 wars and relative to its soldiers, schools, and churches. In

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117 addition, the commission shall exercise the following powers and  
118 duties over the Polk County Historical Museum and the Polk  
119 County Genealogical Library:

120 (1) Develop and establish reliable and sustainable sources  
121 of public, private, and enterprise funding to ensure the  
122 continued operation of the historical museum and the  
123 genealogical library and maintenance of its collections.

124 (2) Serve as an advisory commission to the board and the  
125 staff of the historical museum and genealogical library and the  
126 executive director as requested.

127 (3) Apply for grants of money or property for the benefit  
128 of the historical museum and genealogical library, subject to  
129 acceptance of such grants by the board.

130  
131 The commission is further authorized to promote and solicit  
132 bequests, donations, contributions, and gifts of money and  
133 property donated for purposes of funding the continued operation  
134 of the historical museum and genealogical library and shall act  
135 as trustee of such funds for the benefit of the citizens of Polk  
136 County.

137 Section 7. The board of county commissioners shall employ a  
138 historical preservation manager for the purposes of representing  
139 the historical museum and the genealogical library and the board  
140 in the development of funding mechanisms and long-range  
141 planning. The county manager's office shall be responsible for  
142 establishing the job description and expectations for this  
143 position, hiring the historical preservation manager, and  
144 establishing the chain of command for this position. The  
145 historical preservation manager shall work with the county

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146 manager's staff each year during the county's annual budget  
147 process, after receiving advice from the board, to establish a  
148 balanced budget for the historical museum and genealogical  
149 library, which budget shall include funds received from the  
150 board and any other sources.

151 Section 8. All funding, gifts, and grants that are secured  
152 on behalf of the historical museum and the genealogical library,  
153 from whatever source, shall be used solely in the interest of  
154 historical preservation on behalf of the citizens of Polk County  
155 for the purpose of collection, display, recording, and  
156 preservation of historical material and data; for maintenance of  
157 the collections and facilities; and for the operation of the  
158 historical museum and the genealogical library.

159 Section 9. All funds received for the historical museum and  
160 the genealogical library, whether from gifts, grants, bequests,  
161 donations, contributions, the board, or any other source, shall  
162 be deposited in a historical museum and genealogical library  
163 dedicated account (the "HMGL account"), which account shall be  
164 maintained separate and apart from all other accounts of the  
165 county. All funds shall be deposited into the HMGL account  
166 immediately upon receipt. Moneys deposited into the HMGL account  
167 shall be used solely in the interest of historical preservation  
168 on behalf of the citizens of Polk County for the purpose of  
169 collection, display, recording, and preservation of historical  
170 material and data; for maintenance of the collections and  
171 facilities; and for the operation of the historical museum and  
172 genealogical library, including personnel costs. No funds  
173 received for those purposes and deposited into the HMGL account  
174 may be diverted or appropriated for uses unrelated to the uses

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175 specified in this section.

176 Section ~~10.5~~. The commission may, upon its own initiative  
177 or upon petition of municipalities or historical societies, mark  
178 by proper monuments, tablets, or markers the locations of forts  
179 or other places in Polk County where historical events have  
180 transpired.

181 Section ~~11.6~~. The Clerk of the Circuit Court of Polk County  
182 shall file and record, without charge, in a book or books which  
183 shall be furnished to the clerk by the board of county  
184 commissioners, all such historical material and data that the  
185 commission directs to be filed and recorded.

186 ~~Section 7. The Polk County Historical Commission shall~~  
187 ~~sponsor a Polk County Historical Association, made up of~~  
188 ~~interested persons from all areas of the county, membership on~~  
189 ~~which may require a membership fee. Membership fees shall be~~  
190 ~~deposited into the general fund budget of the association to be~~  
191 ~~earmarked for the specific use of the preservation of history.~~

192 Section ~~12.8~~. The Board of County Commissioners of Polk  
193 County shall pay the expenses of the historical commission out  
194 of the general fund of the county. The board of county  
195 commissioners shall also provide suitable and adequate space as  
196 a repository for the findings, collections, and other material  
197 of the historical commission, the historical museum, and the  
198 genealogical library.

199 Section ~~13.9~~. This act shall not be construed as affecting  
200 any action, right, or liability of the Polk County Historical  
201 Commission taken before or existing on the effective date of  
202 this act. This act does not affect the term of any person  
203 serving on the Polk County Historical Commission on the day

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204 before the effective date of this act.

205 Section 2. This act shall take effect upon becoming a law.