

FINAL BILL ANALYSIS

BILL #: CS/HB 745

FINAL HOUSE FLOOR ACTION:

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SPONSOR: Rep. Wood

GOVERNOR'S ACTION: Approved

COMPANION BILLS: SB 1982

SUMMARY ANALYSIS

CS/HB 745 was passed by the House on April 27, 2011, and subsequently passed the Senate on May 2, 2011. The bill was approved by the Governor on June 21, 2011, chapter 2011-250, Laws of Florida, and took effect June 21, 2011. The bill amends the special act which establishes the Polk County Historical Commission. The bill:

- decreases the number of commission members from 13 to nine;
- changes the qualifications for commission membership;
- requires attendance at meetings;
- addresses removal from office;
- prescribes quorum requirements;
- eliminates the commission's specific authority to appoint a county historian;
- provides for selection of officers;
- requires the adoption of bylaws and rules of procedures;
- provides for quarterly commission meetings;
- authorizes additional powers and duties of the commission with regard to the Polk County Historical Museum and Genealogical Library;
- provides for the deposit and use of funding; and
- deletes a requirement that the commission sponsor a Polk County Historical Association.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

The Florida Legislature created the Polk County Historical Commission pursuant to ch. 96-462, L.O.F. Originally, this commission was authorized by ch. 18810, L.O.F. (1937), an act which has been amended various times.

The Polk County Historical Commission consists of 13 members: member number one, a member of the Board of County Commissioners of Polk County; member number two, a county judge of Polk County; member number three, the Clerk of the Circuit Court of Polk County; and members numbered four, five, six, seven, eight, nine, 10, 11, 12 and 13, who must be registered voters of Polk County and are appointed by the Polk County Board of County Commissioners. The members' terms of office are for four years and until their successors are appointed and qualified. In selecting registered voters to serve as members of the commission, the board of county commissioners is required to consider an individual's interest in the history and cultural lore and development of the county and state. A commission member receives no compensation for service on the commission. Of the 10 members appointed by the board of county commissioners, two must reside in each of five county commission districts.

It is the duty of the commission to collect, arrange, record and preserve historical material and data, including books, pamphlets, maps, charts, manuscripts, family histories, census records, papers, and other objects and material illustrative of and relating to the history of Polk County and of Florida and otherwise; to procure and preserve narratives of the early pioneers, their exploits, perils, privations and achievements; and to collect material of every description relative to the history of its Indian tribes and wars and relative to its soldiers, schools and churches.

The commission may, upon its own initiative or upon petition of municipalities or historical societies, mark by monuments, the locations of forts or other places in Polk County where historical events have transpired.

The Clerk of the Polk County Circuit Court is required to file and record, without charge, in a book or books furnished to the clerk by the board of county commissioners, all historical material and data that the commission directs to be filed and recorded.

The commission is required to sponsor a Polk County Historical Association, comprised of interested persons from all areas of the county, membership on which may require a fee. Any membership fees received are deposited into the general fund budget of the association to be earmarked for the specific use of the preservation of history.

The Board of County Commissioners of Polk County pays the expenses of the historical commission out of the general fund of the county. The board of county commissioners also provides suitable and adequate space as a repository for the findings, collections, and other material of the commission.

The commission may appoint a clerk to be known as the "County Historian."

Effect of the Bill

The CS for HB 745 amends ch. 96-462, L.O.F., the special act creating the Polk County Historical Commission. The bill decreases the number of members of the Polk County Historical Commission from 13 to nine members. The newly-configured commission includes:

- (1) the Chairperson of the Polk County Board of County Commissioners or his or her designated commissioner;
- (2) a member who is directly involved with the operation of historic museums, sites, or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 1;
- (3) a member who is directly involved with the operation of historic museums, sites or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 2;
- (4) a member who is directly involved with the operation of historic museums, sites or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 3;
- (5) a member who is directly involved with the operation of historic museums, sites or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 4;
- (6) a member who is directly involved with the operation of historic museums, sites or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 5;
- (7) an at-large member who has shown a demonstrated interest in historic preservation;
- (8) an at-large member who has shown a demonstrated interest in historic preservation; and
- (9) a representative of the Polk County Library Cooperative.

Members 1, 7, 8 and 9 are appointed by the chairperson of the board. Member 2 is appointed by the commissioner from District 1; member 3 is appointed by the commissioner from District 2; member 4 is appointed by the commissioner from District 3; member 5 is appointed by the commissioner from District 4; and member 6 is appointed by the commissioner from District 5.

All members of the commission must be electors of Polk County. Members 2, 3 and 4 initially serve terms of two years each; members 5, 6 and 7 initially serve terms of three years each; and members 8 and 9 initially serve terms of four years each. Thereafter, members serve staggered terms of three years. Vacancies are filled by the chairperson of the board for the unexpired term in the same manner as the original appointment. Members may be reappointed to serve one additional term.

Commission members are expected to attend the regularly scheduled meetings of the board. When a commission member is unable to attend, he or she must notify the chairperson in advance of the meeting. Failing to notify the chairperson will result in the absence being classified as unexcused. Any commission member failing to obtain an excused absence for three consecutive meetings may be subject to removal from the commission.

A quorum consists of five members. At its first meeting, the commission is required to select a chairperson and vice chairperson, and adopt bylaws and rules of procedure. The commission meets at such times and locations as announced by the chairperson but not less than quarterly during any calendar year. All meetings of the commission are subject to the provisions and protocols of s. 286.011, F.S., and ch. 119, F.S.

The bill expands the powers and duties of the commission to include the Polk County Historical Museum and the Polk County Genealogical Library. The commission is required to:

- (1) develop and establish reliable and sustainable sources of public, private and enterprise funding to ensure the continued operation of the historical museum and the genealogical library and maintenance of its collections;
- (2) serve as an advisory commission to the board and the staff of the historical museum and genealogical library and the executive director as requested; and
- (3) apply for grants of money or property for the benefit of the historical museum and genealogical library, subject to acceptance of such grants by the board.

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

All funding, gifts and grants that are secured on behalf of the historical museum and the genealogical library, from whatever source, are to be used solely in the interest of historical preservation on behalf of the citizens of Polk County for the purpose of collection, display, recording and preservation of historical material and data; for maintenance of the collections and facilities; and for the operation of the historical museum and the genealogical library.

All funds received for the historical museum and the genealogical library, whether from gifts, grants, bequests, donations, contributions, the board or any other source, are required to be deposited in a historical museum and genealogical library dedicated account (the "HMGL account"), which is maintained separately from all other accounts of the county. All funds must be deposited into the HMGL account immediately upon receipt. Moneys deposited into the HMGL account are used solely in the interest of historical preservation on behalf of the citizens of Polk County for the purpose of collection, display, recording and preservation of historical material and data; for maintenance of the collections and facilities; and for the operation of the historical museum and genealogical library, including personnel costs. No funds received for those purposes and deposited into the HMGL account may be diverted or appropriated for other uses.

The bill removes the requirement that the commission sponsor a Polk County Historical Association, and eliminates the commission's specific authority to appoint a county historian.

The bill also adds new language that requires the board of county commissioners to provide suitable and adequate space as a repository for the findings, collections and other material of the historical museum, and the genealogical library.

According to the Assistant Polk County Manager,¹ the revisions to the special act are structured to revitalize the commission, by increasing its duties and reducing its membership in order to bring greater efficiency to its operations. The expansion of duties is necessary in order to seek private funding and grants. The primary duty of the commission—preserving historical material and data—has been accomplished through the county’s Historical Museum and Genealogical Library, which are located in the Historic Courthouse in Bartow. At one time, a fee was added to court filing fees that was deposited into a Historical Trust Fund to support the operation of the library and museum. That fee has been eliminated resulting in a need to identify new sources to fund these facilities in order to alleviate pressure on the county’s general fund. Polk County has created and filed a new position, historic preservation manager, specifically to work with the commission. The manager’s main responsibility is fund raising for the sustainability of the historic courthouse and the enjoyment of the historic library and museum for the citizens and visitors in Polk County.

The act provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 15, 2011.

WHERE? The *News Chief*, a daily newspaper of general circulation published in Polk County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes No

D. ECONOMIC IMPACT STATEMENT FILED? Yes No

Although the Economic Impact Statement estimates that the cost to hire a historical preservation manager will be \$81,622 (salary and benefits), the CS removed this provision from the bill. The EIS also indicates that the commission anticipates “governmental financial involvement by partnering with the private sector.”

¹ Assistant Polk County Manager Lea Ann Thomas provided written background material which is on file with the Community & Military Affairs Subcommittee, and met with committee staff on March 7, 2011.