

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SB 308

INTRODUCER: Senator Leek

SUBJECT: Florida Museum of Black History

DATE: January 23, 2026

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Shuler  | Fleming        | CA        | <b>Favorable</b>   |
| 2. | White   | McVaney        | GO        | <b>Pre-meeting</b> |
| 3. |         |                | RC        |                    |

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## I. Summary:

SB 308 specifies legislative intent recognizing the designation of St. Johns County for the Florida Museum of Black History by the Florida Museum of Black History Task Force.

The bill establishes and specifies the membership of a board of directors of the museum to oversee the commission, construction, operation, and administration of the museum. The board is directed to work with the Foundation for the Museum of Black History, Inc., in its duties. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill is expected to impact state and local expenditures.

The bill takes effect on July 1, 2026.

## II. Present Situation:

### Department of State

The Department of State, created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Arts and Culture, and Administration. The head of the Department of State is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.<sup>1</sup> The Secretary also serves as the state protocol officer and, in consultation with

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<sup>1</sup> Section 20.10(1), F.S.

the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.<sup>2</sup>

### ***Division of Historical Resources***

The Division of Historical Resources (division) within the Department of State is responsible for preserving and promoting Florida's historical archaeological resources.<sup>3</sup> The division director's office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs.<sup>4</sup> The division director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.<sup>5</sup>

The division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.<sup>6</sup>

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.<sup>7</sup> The division provides support to museums and works to promote the use of resources for educational and cultural purposes. The division directly oversees the following museums:

- Museum of Florida History, which is the state's official history museum and showcases Florida's diverse history from prehistoric times to the present day;<sup>8</sup>
- Mission San Luis, a living history museum that showcases the life of the Apalachee Indians and Spanish settlers, and also hosts workshops such as pottery and blacksmithing;<sup>9</sup>
- Knott House Museum, which showcases the history of Tallahassee and its role in the civil war including the Emancipation Proclamation being read on the steps of the house in 1865;<sup>10</sup> and
- The Grove Museum, which showcases the life of the Call and Collins families, who owned the property and played a significant role in Florida's history including contributions in agriculture, civil rights, and politics.<sup>11</sup>

Other museums recognized by the state include:

- Certain state railroad museums;<sup>12</sup>

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<sup>2</sup> Section 15.01(1), F.S.

<sup>3</sup> See s. 267.031(5)(n), F.S.

<sup>4</sup> Section 267.0617, F.S. See also Fla. Dep't of State, *Grants*, <https://dos.fl.gov/historical/grants/> (last visited Dec. 15, 2025).

<sup>5</sup> Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 15, 2025); see also s. 267.031, F.S.

<sup>6</sup> Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Dec. 15, 2025).

<sup>7</sup> Section 267.071(2), F.S.

<sup>8</sup> *Id.*; see also Fla. Dep't of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Dec. 15, 2025).

<sup>9</sup> See Fla. Dep't of State, *Visit Mission San Luis*, <https://missionsanluis.org/visit/> (last visited Dec. 15, 2025).

<sup>10</sup> See Fla. Dep't of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited Dec. 15, 2025).

<sup>11</sup> See Fla. Dep't of State, *The Grove Museum*, <https://thegrovemuseum.com/> (last visited Dec. 15, 2025). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. Section 267.075, F.S.

<sup>12</sup> See s. 15.045, F.S.

- The Florida Museum of Transportation and History;<sup>13</sup>
- The John and Mable Ringling Museum of Art;<sup>14</sup>
- The Ringling Museum of the Circus;<sup>15</sup>
- The Florida Historic Capitol Museum;<sup>16</sup>
- The Florida Agricultural Legacy Learning Center;<sup>17</sup> and
- The Florida Museum of Natural History.<sup>18</sup>

### **Florida Museum of Black History Task Force**

In the 2023 Session, the Legislature passed CS/CS/HB 1441 which provided for the creation of the Black History Task Force within the division for the purposes of providing recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History.<sup>19</sup> The task force was comprised of nine members, three each appointed by the Governor, President of the Senate, and Speaker of the House, all of whom served without compensation.<sup>20</sup>

The task force was directed to develop:

- Plans for the location, design, and construction of the museum.
- Recommendations for the operation and administration of the museum.
- A marketing plan to promote the museum.
- A transition plan for the museum to become financially self-sufficient.
- Recommendations for archival and artifact acquisition, preservation, and research; exhibits; and educational materials, which were required to include materials relating to:
  - The role of African-American participation in defending and preserving Florida and the United States, including the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African-American veterans.
  - The history of slavery in the state.
  - The history of segregation in the state.
  - Notable African Americans in the state.
  - Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University.
  - The history of historically black colleges and universities in this state.
  - The inherent worth and dignity of human life, with a focus on the prevention of genocide.<sup>21</sup>

<sup>13</sup> Section 15.046, F.S.

<sup>14</sup> See ss. 265.27 and 1004.45, F.S.

<sup>15</sup> Section 1004.45, F.S.

<sup>16</sup> Section 272.129, F.S. The Florida Historic Capitol Museum Council provides guidance and support to the museum director and support staff. Section 272.131, F.S.

<sup>17</sup> Section 570.692, F.S.

<sup>18</sup> Section 1004.56, F.S.

<sup>19</sup> The bill was signed into law by Governor DeSantis on May 11, 2023, and became ch. 2023-72, Laws of Fla., and was codified at s. 267.0722, F.S.

<sup>20</sup> The members were Sen. Geraldine Thompson, Chair, appointed by Senate President Passidomo; Brian M. Butler, appointed by Governor DeSantis; Howard M. Holley, Sr., appointed by Speaker Renner; Rep. Berny Jacques, appointed by Governor DeSantis; Tony Lee, Ed.D., appointed by Governor DeSantis; Rep. Kiyan Michael, appointed by Speaker Renner; Gayle Phillips, appointed by Speaker Renner; Sen. Bobby Powell, appointed by Senate President Passidomo; and Dr. Nashid Madyun, appointed by Senate President Passidomo. Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Dec. 15, 2025).

<sup>21</sup> Section 267.0722(4), F.S.

The task force was required to submit a report to the Governor and Legislature before July 1, 2024, detailing its plans. After the task force submitted the report, the task force was required to disband.<sup>22</sup>

### ***Final Report of the Florida Museum of Black History Task Force***

Between September 25, 2023, and June 28, 2024, the task force conducted ten public meetings. The public meetings consisted of presentations from staff, experts, and various community stakeholders. The task force also solicited input from Florida residents and visitors through a survey that gathered responses from over 4,000 individuals. The task force developed their recommendations based on the requirements of s. 267.0722, F.S., and information provided from meeting presentations, public comment, and the survey.<sup>23</sup>

The Final Report was adopted by the task force at its final meeting on June 28, 2024.<sup>24</sup> The principal topic examined by the Task Force was the most appropriate location to recommend for the future Florida Museum of Black History. The task force heard presentations on potential locations beginning with its October 26, 2023, meeting. To aid the task force in recommending the most appropriate location, staff were asked by the task force to develop Location Selection Criteria to score locations. The Task Force's final ranking list based on these scores was: St. Augustine/St. Johns County with a score of 96.78; Eatonville/Orange County with a score of 95.33, and Opa-locka with a score of 84.89. The task force voted at its May 21, 2024, meeting to recommend St. Augustine/St. Johns County as the site for the future Florida Museum of Black History.<sup>25</sup>

As required by s. 267.0722, F.S., the task force also included in the Final Report substantive recommendations for design and construction of the museum, operation, administration, and marketing of the museum, as well as recommendations for exhibits and materials to include in the museum.<sup>26</sup>

### ***Proposed site of the Florida Museum of Black History in St. Johns County***

Supplemental materials included in the Final Report produced by the task force highlighted the extensive historical heritage of St. Johns County, including the Historic Downtown of St. Augustine.<sup>27</sup> St. Johns County hosts over 10 million visitors and tourists annually seeking to visit numerous historic sites such as Fort Mose, the first legally sanctioned, free African American settlement in the nation.<sup>28</sup>

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<sup>22</sup> Section 267.0722(6), F.S.

<sup>23</sup> Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 2-3, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

<sup>24</sup> Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Dec. 15, 2025).

<sup>25</sup> Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 4-6, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

<sup>26</sup> *See id.*

<sup>27</sup> Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Dec. 15, 2025).

<sup>28</sup> *Id.*; see also Fort Mose Historical Society, *The Fort Mose Story*, <https://fortmose.org/about-fort-mose/> (last visited Nov. 24, 2025).

The County has formed a partnership with Florida Memorial University (FMU), a historically black university, to curate a property that is 2.5 miles away from the center of Historic Downtown St. Augustine.<sup>29</sup> The St. Johns County Board of County Commissioners voted on April 16, 2024, to negotiate an agreement with FMU to develop a museum on the FMU campus.<sup>30</sup> The site is a 14.5 acre site that is the former home of FMU, then known as the Florida Normal & Industrial Institute.<sup>31</sup> The Florida Normal and Industrial Institute came to St. Augustine in 1918, originating through a merger of two previously distinct institutions dedicated to serving former slaves and their descendants.<sup>32</sup>

### **The Foundation for the Museum of Black History, Inc.**

The Foundation for the Museum of Black History, Inc., is a corporation not-for-profit formed under ch. 617, F.S., and operated for charitable purposes under s. 501(c)(3) of the Internal Revenue Code.<sup>33</sup> The Foundation was formed in October of 2024 for the purposes of assisting the community with planning and fundraising initiatives to support the design and construction of the Florida Museum of Black History in St. Johns County and planning projects and events to facilitate fundraising efforts for the creation of the Museum.<sup>34</sup>

### **III. Effect of Proposed Changes:**

The bill creates s. 267.07221, F.S., to specify legislative intent recognizing the work of the Florida Museum of Black History Task Force in selecting a location for the museum and designating St. Johns County as the site for the museum. Additionally, the bill specifies legislative intent to establish a board of directors of oversee the commission, construction, operation, and administration of the museum.

The bill establishes the Florida Museum of Black History Board of Directors (board) within the Division of Historical Resources. The bill specifies the membership of the board of directors and requires the appointments to be made by July 31, 2026. Unless the members are classified as ex officio, they may not hold state or local elective office while serving on the board. Vacancies must be filled in the same manner as the original appointments were. The membership of the board is to be composed of:

- Three individuals appointed by the Governor, one of whom shall serve as chair.

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<sup>29</sup> Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Nov. 24, 2025).

<sup>30</sup> St. Johns Cultural Council, *Florida Museum of Black History Task Force Recommends St. Johns County to Governor's Office as the Location of State's First Black History Museum*, (July 1, 2024) <https://stjohnsculture.com/news/florida-museum-of-black-history-task-force-recommends-st-johns-county-to-governors-office-as-the-location-of-states-first-black-history-museum/> (last visited Nov. 24, 2025).

<sup>31</sup> Florida Memorial University, *Proposed Location of Black History Museum in St. Augustine*, (April 23, 2024), <https://www.fmu.edu/proposed-location-of-black-history-museum-in-st-augustine/> (last visited Nov. 24, 2025).

<sup>32</sup> St. Johns Cultural Council, *AL Lewis Archway: Florida Normal & Industrial Institute*, <https://historiccoastculture.com/venue/al-lewis-archway-florida-normal-industrial-institute/> (last visited Nov. 24, 2025).

<sup>33</sup> *Articles of Incorporation of The Foundation for the Museum of Black History, Inc.*, (Oct. 21, 2024) <https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2024%5C1115%5C00369832.Tif&documentNumber=N24000013011> (last visited Nov. 24, 2025).

<sup>34</sup> *Id.* See also, *Foundation for the Museum of Black History*, <https://www.fmbh.org/> (last visited Dec. 7, 2025).

- Three individuals appointed by the President of the Senate.
- Two members of the Senate, appointed by the President of the Senate and serving ex officio.
- Three individuals appointed by the Speaker of the House of Representatives.
- Two members of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

Ex officio refers to a position or power existing “because of an office; by virtue of the authority implied by office;” the term is “often misused as a synonym for ‘nonvoting.’”<sup>35</sup> In this instance, an ex officio is likely a voting member of the board.<sup>36</sup> Accordingly, there will be 13 voting members of the board.

The board of directors is directed to work with the Foundation for the Museum of Black History, Inc., in overseeing the commission, construction, operation, and administration of the museum. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill takes effect on July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Article VII, section 18(a) of the State Constitution provides, in relevant part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. If the bill does not meet an exemption or exception, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each chamber.

St. Johns County may have to expend funds to provide administrative assistance and staffing to the board of directors.

The bill is likely exempted from the mandates provisions of the State Constitution. A bill is exempted from the required two-thirds vote and finding of important state interest if it has an insignificant fiscal impact, which for Fiscal Year 2026-2027 is forecast at

<sup>35</sup> BLACK’S LAW DICTIONARY (12th ed. 2024) (defining ex officio).

<sup>36</sup> Florida law indicates that ex officio membership does not mean nonvoting. *See* Op. Att’y Gen. Fla. 296 (1975) (discussing ex officio members of the Parole and Probation Commission, stating that the an “ex officio member of a board or commission is a ‘full member’ of that body except as expressly limited by the statute,” and that the term ex officio “simply describes the manner by which a particular official may validly serve as a member of another board or commission”); *Florida Pub. Employees Council 79, AFSCME, AFL-CIO v. Pub. Employees Relations Com’n*, 871 So. 2d 270, 272 n. 4 (Fla. 1st DCA 2004) (citing original language of s. 1001.71, F.S.) (referring to the student body president as an “ex officio as a voting member of his or her university’s board”); *see e.g.*, ss. 331.3081, 413.405 F.S. (differentiating between ex officio members and ex officio, nonvoting members); ss. 186.504, 288.987, 311.105, 446.045(2), F.S. (specifying ex officio members are nonvoting).

approximately \$2.4 million.<sup>37</sup> The costs imposed on St. Johns County by the bill likely will not exceed \$2.4 million in the aggregate, so the bill likely does not need a two-thirds vote or finding of important state interest to be binding on St. Johns County.

**B. Public Records/Open Meetings Issues:**

None identified.

**C. Trust Funds Restrictions:**

None identified.

**D. State Tax or Fee Increases:**

Article VII, section 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

**E. Other Constitutional Issues:**

**Separation of Powers**

The government of the State of Florida is organized according to the doctrine of the separation of powers. Article II, section 3 of the State Constitution, in particular, provides that the “powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.” Two fundamental prohibitions are contained in the separation of powers doctrine in Florida. The first is that no branch may encroach upon the powers of the other; the second is that no branch may delegate to another branch its constitutionally assigned power.<sup>38</sup>

The State Constitution provides that the Legislature creates the policies and laws of the state<sup>39</sup> and the executive branch executes the laws<sup>40</sup> and policies established by the Legislature.

<sup>37</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Nov. 3, 2025). Based on the Florida Demographic Estimating Conference’s June 30, 2025, population forecast for 2026 of 23,681,366. Office of Economic and Demographic Research, Demographic Estimating Conference Executive Summary June 30, 2025, available at

<https://www.edr.state.fl.us/Content/conferences/population/demographicsummary.pdf> (last visited Nov. 3, 2025).

<sup>38</sup> *Chiles v. Children A, B, C, D, E, and F*, 589 So. 260 (Fla. 1991).

<sup>39</sup> Article III, section 1 of the State Constitution vests the “legislative power of the state” in the Legislature. Legislative power is further explained by the courts in *O.M. v. Dep’t of Children & Families*, 404 So. 3d 547, 552 (Fla. 3d DCA 2025); *Webb v. Hill*, 75 So. 2d 596, 605 (Fla. 1954); *State v. Barquet*, 262 So. 2d 431, 433 (Fla. 1972).

<sup>40</sup> The executive branch, through the governor, ensures that the “laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government.” FLA. CONST. art. IV, s. 4.



The bill creates the Florida Museum of Black History Board of Directors (board) within the Division of Historical Resources, an executive branch body. The board shall “oversee the commission, construction, operation, and administration,” of the Florida Museum of Black History (museum). The bill directs the President of the Senate and the Speaker of the House to each appoint five members to the board. A court may find that legislative appointments to a committee implementing a program (namely, the board) within the Executive Branch usurps the power of the executive branch and constitutes a violation of the separation of powers.

### Dual Office Holding

The State Constitution prohibits individuals from holding multiple public offices simultaneously and applies to public offices in state, county, and municipal government.<sup>41</sup> The provision applies to both elected and appointed offices, ensuring that no single individual accumulates multiple governmental roles that could create a conflict of interest.<sup>42</sup> Neither the State Constitution nor the Legislature has defined the term “office,” leaving the court to establish its meaning through case law. Florida courts have interpreted the term “office” in opposition to the term “employment,” with the latter not being subject to prohibition on dual office-holding. An “office,” the courts have held, refers to a position that exercises sovereign power, has a legally prescribed tenure, and is established by law rather than by contract.<sup>43</sup> The term “employment,” by contrast, “does not comprehend a delegation of any part of the sovereign authority [of government].”<sup>44</sup> Positions such as department heads, members of governing boards, and elected officials have typically been considered offices, while positions like assistants, deputy clerks, and administrative employees have typically been classified as public employees.<sup>45</sup>

A member of the Legislature—whether serving as a Senator or a Representative—is an officer and therefore subject to the prohibition on dual office holding. Similarly, serving as a member of the board likely also constitutes an office. If so, holding both offices at the same time may violate the prohibition on dual office holding in the State Constitution.

In 1996, the State Attorney General opined that serving as a member of the Alternative Education Institute, a non-profit corporation created within the Department of Education (a state agency), constituted office holding. The Institute could expend funds and enter into contracts, act as an instrumentality of the state, and carry out government functions. Therefore, even when the enacting statute specifically stated that the Institute “was not an agency,” serving on the Institute constituted holding office.<sup>46</sup> Similarly, in this bill, the board of directors of the museum within the Department of State is created to oversee the construction, operation, and administration of the museum. Based on the logic in the

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<sup>41</sup> FLA. CONST. art. II, s. 5(a).

<sup>42</sup> *Bath Club, Inc. v. Dade County*, 394 So. 2d 110 (Fla. 1981); see *Blackburn v. Brorein*, 70 So. 2d 293 (Fla. 1954).

<sup>43</sup> *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919); *State ex rel. Clyatt v. Hocker*, 22 So. 721 (Fla. 1897).

<sup>44</sup> *State ex rel. Holloway v. Sheats*, 83 So. 508 (Fla. 1919).

<sup>45</sup> See Office of the Attorney General, *Dual Office-holding*,

<https://www.myfloridalegal.com/files/pdf/page/4FF72ECF62927EEA85256CC6007B4517/DualOfficeHoldingPamplet.pdf> (last visited Mar. 23, 2025).

<sup>46</sup> Op. Att’y Gen. Fla. 96-95 (1996).



Attorney General's opinion, it appears that membership on the board of directors of the museum likely constitutes an office that is subject to the constitutional prohibition on dual office holding.

There is an exemption to the dual office holding prohibition for ex officio members. The ex officio exception allows an individual to perform additional official duties if those duties are assigned by legislative designation to the office itself rather than to the individual holding it, and the additional duties are consistent with those already exercised.<sup>47</sup>

The bill directs the President of the Senate and the Speaker of the House of Representatives to each appoint two members of their respective houses to serve "ex officio" on the board. The appointments would likely constitute a "legislative delegation" for the purposes of the ex officio exception. Accordingly, if the members of the Legislature "serving ex officio" on the board are only exercising additional duties constituent with their duties as a member of the Legislature, the ex officio exception may apply.

The board is a body within the executive branch that shall "oversee the commission, construction, operation, and administration" of the museum. These duties seem to go beyond the policy- and law- making duties of the Legislature into the executive branch's power to execute the policy set forth by the Legislature. Accordingly, this appears to go beyond those duties already existing as a member of the Legislature and, therefore, may violate the constitutional prohibition on dual office holding.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None identified.

**B. Private Sector Impact:**

None identified.

**C. Government Sector Impact:**

The bill requires the St. Johns Board of County Commissioners to provide administrative assistance and staffing to the Florida Museum of Black History Board of Directors. The county can likely accomplish this within existing resources, so any associated costs should be negligible.

**VI. Technical Deficiencies:**

None identified.

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## VII. Related Issues:

It may be more appropriate for a state entity to provide administrative support to the board of directors (board), as opposed to a county. The Legislature may consider placing such responsibility on the Department of State, given that lines 32-34 of the bill provides that the board is established in the Division of Historical Resources (Division).

### **The Foundation for the Museum of Black History, Inc.: Accountability and Oversight**

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily created private not-for-profit entities authorized to carry out specific tasks in support of public entities or public causes. In 2014, the Legislature enacted s. 20.058, F.S., to establish a comprehensive set of transparency and reporting requirements for CSOs and DSOs.<sup>48</sup> This includes requiring:

- Each CSO and DSO with annual expenditures in excess of \$100,000 to submit an annual audit to the Auditor General;<sup>49</sup> and
- Each CSO and DSO to annually submit information related to its organization, mission, and finances to the agency it supports.<sup>50</sup>

The Division and other public entities already utilized CSOs and DSOs to support museums and historic preservation efforts throughout the state.<sup>51</sup> Indeed, the Division has broad authority to

<sup>48</sup> Section 3, ch. 2014-96, Laws of Fla.

<sup>49</sup> Section 215.981, F.S.,

<sup>50</sup> Section 20.058(2), F.S. The agency then submits this information in a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information provided by the CSO or DSO. The report must also include a recommendation by the agency, with supporting rationale, to continue, terminate, or modify the agency's association with each CSO or DSO. Section 20.058(3), F.S.

<sup>51</sup> See s. 267.0721(3), F.S. (permitting a CSO that operates a store or holds fundraising events at the Museum of Florida History to support the Museum of Florida History and other museums operated by the Division); s. 267.074(8), F.S. (permitting a CSO to support the maintenance and public access to Official Florida Historical Markers); s. 267.1732, F.S. (authorizing a DSO with the University of West Florida to assist in the historic preservation of the City of Pensacola, Escambia County, and West Florida); s. 265.703 (authorizing CSOs to support historical and museum programs by the Division of Arts in Culture, which is a part of the Department of State); s. 267.1736, F.S. (authorizing a DSO with the University of Florida to assist in the historic preservation of St. Augustine, St. Johns County, and the state); ss. 257.131 and 257.136, F.S. (discussing and authorizing a DSO to support Florida Historic Capitol Museum); s. 1004.45, F.S. (authorizing a DSO to support the Ringling Center for Cultural Arts at Florida State University); *see also, e.g.*, s. 16.616, F.S. (requiring a DSO to support the Council on the Social Status of Black Men and Boys); s. 257.43, F.S. (authorizing the Division of Library and Information Services, also within the Department of State, to establish CSOs to provide assistance, funding, and promotional support for the library, archives, and records management programs); s. 258.015, F.S. (speaking to CSOs for parks).

establish CSOs “to provide assistance, funding, and promotional support for the archaeology, museum, folklife, and historic preservation programs.”<sup>52</sup>

The bill directs a state entity (the board within the Division) to work with the Foundation for the Museum of Black History, Inc. (Foundation). The Foundation, however, is not a DSO or CSO and is, therefore, not subject to the accountability and oversight requirements.

The Legislature may wish to clarify that the board must work with a CSO or DSO. Doing so would not only enhance the oversight and accountability of a group working with a government entity but also align with current practices in Florida utilizing CSOs and DSOs to support museums and historical preservation. Alternatively, the Legislature could provide that, for the purposes of working with the board, the Foundation is bound by requirements for CSOs in s. 267.17, F.S. (providing requirements for CSOs established by the Division), and reporting and transparency requirements for all CSOs and DSOs under chapter 20, F.S. This would include the relevant penalties, including dissolution of contract and partnership with the Division if the Foundation fails to meet the necessary transparency requirements.

#### **VIII. Statutes Affected:**

This bill creates section 267.07221 of the Florida Statutes.

#### **IX. Additional Information:**

##### **A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

##### **B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>52</sup> Section 267.17, F.S., provides that these CSOs must be:

- A Florida not for profit.
- Organized and operated to:
  - Conduct programs and activities;
  - Raise funds;
  - Request and receive grants, gifts, and bequests of money;
  - Acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and
  - Make expenditures to or for the direct or indirect benefit of the division or individual program units of the division.
- Operate to further the goal of the Division and in the best interests of the state.