

House Bill No. 1127

An act relating to preserving Florida's history; amending s. 267.031, F.S.; providing additional responsibilities of the Division of Historical Resources of the Department of State relating to preserving archaeological sites and artifacts; authorizing the division to enter into a memorandum of agreement with the University of West Florida for purposes of a network of regional public archaeology centers; amending s. 267.14, F.S.; providing additional legislative intent relating to local archaeology; creating s. 267.145, F.S.; requiring the Department of State to create a network of public archaeology centers for certain purposes; requiring administration of the network through a center at the University of West Florida; providing for establishing additional centers; creating s. 267.174, F.S.; providing a popular name; creating the Discovery of Florida Quincentennial Commemoration Commission within the Department of State for certain purposes; providing for commission membership; providing for terms of members; providing for successor appointment; providing for election of officers; requiring the commission to adopt bylaws; providing for commission meetings; specifying serving without compensation; providing for per diem and travel expenses; requiring the commission to develop a master plan for certain purposes; requiring a timetable and budget for the plan; requiring a report to the Governor and Legislature; providing responsibilities of the department; authorizing the appointment of subcommittees; requiring the Secretary of State to appoint an advisory committee composed of all former living governors of the state; requiring the commission to provide advice and assistance to the Department of State regarding master plan implementation and activities of a citizen support organization; specifying the appointment of two subcommittees; providing compensation only for per diem and travel expenses; requiring the Department of State to provide administrative support and consulting services subject to an appropriation; authorizing the Department of State to enter into contracts or accept loans or grants for money, property, or personal services to implement requirements; providing for assumption of other functions to carry out provisions; providing for the establishment of a citizen support organization for certain purposes; authorizing the organization to receive moneys for certain purposes; authorizing the Secretary of State to adopt a master plan; providing for legislative budget requests; providing for a term of existence of the commission and the citizen support organization; providing for transfer of documents and remaining assets of the commission and citizen support organization upon termination; providing an effective date.

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

Section 1. Paragraph (p) is added to subsection (5) of section 267.031, Florida Statutes, subsections (6) and (7) of said section are renumbered as

subsections (7) and (8), respectively, and a new subsection (6) is added to said section, to read:

267.031 Division of Historical Resources; powers and duties.—

(5) It is the responsibility of the division to:

(p) Advise and assist, as appropriate, federal and state agencies, local governments, and organizations and individuals in the recognition, protection, and preservation of the archaeological sites and artifacts of this state, directly and through a memorandum of agreement with a network of public archaeology centers as described in s. 267.145.

(6) The division may enter into a memorandum of agreement with the University of West Florida to coordinate the establishment and operation of a network of regional public archaeology centers to provide public outreach and assistance to local governments in identifying, evaluating, developing, and preserving the archaeology in their local areas and in assisting the division in its archaeological responsibilities as outlined in this chapter and the memorandum of agreement.

Section 2. Section 267.14, Florida Statutes, is amended to read:

267.14 Legislative intent.—It is hereby declared to be the public policy of the state to preserve archaeological sites and objects of antiquity for the public benefit and to limit exploration, excavation, and collection of such matters to qualified persons and educational institutions possessing the requisite skills and purpose to add to the general store of knowledge concerning history, archaeology, and anthropology. It is further declared to be the public policy of the state to provide public outreach and assistance to local governments in identifying, evaluating, developing, and preserving the archaeology in their local areas through the establishment of a network of regional public archaeology centers. It is further declared to be the public policy of the state that field investigation activities on privately owned lands should be discouraged except in accordance with both the provisions and spirit of ss. 267.11-267.145 267.14; and persons having knowledge of the location of archaeological sites are encouraged to communicate such information to the division.

Section 3. Section 267.145, Florida Statutes, is created to read:

267.145 Florida network of public archaeology centers.—

(1) The Department of State shall create, through a memorandum of agreement, a Florida network of public archaeology centers to help stem the rapid deterioration of this state's buried past and to expand public interest in archaeology. The network of public archaeology centers shall work in cooperation with the State Historic Preservation Officer and the division through the cooperative memorandum of agreement.

(2) The network of public archaeology centers shall be administered through a public archaeology center at the University of West Florida. Additional centers shall be established throughout the state with each center

located in an existing facility, free of charge, of a state university with a local archaeological program, a regional historic preservation office, the facility of a nonprofit organization that is involved in the archaeology of the region, or other locations as set forth in the memorandum of agreement.

Section 4. Section 267.174, Florida Statutes, is created to read:

267.174 Discovery of Florida Quincentennial Commemoration Commission.—

(1) POPULAR NAME.—This section may be popularly referred to as the “Discovery of Florida Quincentennial Commemoration Commission Act.”

(2) CREATION.—The Discovery of Florida Quincentennial Commemoration Commission is created within the Department of State for the purposes of planning and leading the Discovery of Florida Quincentennial Commemoration, a celebration of the 500 year anniversary of Juan Ponce de Leon’s discovery of Florida.

(3) MEMBERSHIP.—The commission shall consist of the following members:

(a)1. Seven members appointed by, and serving at the pleasure of, the Governor. Five of these seven members shall be from Charlotte, Lee, Palm Beach, St. Johns, and Monroe Counties, respectively, which counties are associated with Juan Ponce de Leon’s 1513 voyage.

2. Two members appointed by, and serving at the pleasure of, the President of the Senate.

3. Two members appointed by, and serving at the pleasure of, the Speaker of the House of Representatives.

(b) Appointees shall be representatives of the general public who have interest or expertise in historic preservation, archaeology, the history of this state, arts education, marketing, the entertainment industry, tourism, or parks and recreation.

(c) The Secretary of State or the secretary’s designee.

(d) The executive director of the Office of Tourism, Trade, and Economic Development.

(e) The chair of the Florida Historical Commission.

(f) The chair of the Florida Arts Council.

(4) TERMS; VACANCIES.—All appointed members shall serve a term of 4 years and shall be eligible for reappointment. If a position becomes vacant, a successor shall be appointed in the manner of the original appointment for such position.

(5) OFFICERS; BYLAWS; MEETINGS.—

(a) The commission shall elect from among its members a chair, a vice chair, and such other officers as the commission deems necessary or expedient in the performance of its duties. Election of officers shall occur at the first meeting of the commission and every 4 years thereafter or sooner if a vacancy occurs.

(b) A majority of the total membership shall constitute a quorum. No vacancy in the membership shall impair the right of a quorum to exercise all of the functions and duties of the commission. All action taken by the commission shall be by majority vote of those members present.

(c) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind its bylaws. The commission shall publish its bylaws in convenient form and shall file with the Department of State a copy of such bylaws and a copy of any amendment to such bylaws.

(d) The initial meeting of the commission shall be held no later than January 31, 2006. Subsequent meetings shall be held upon the call of the chair or vice chair acting in the absence of the chair, and in accordance with the commission's bylaws.

(e) Records and meetings of the commission shall be subject to the provisions of chapters 119 and 286.

(6) REIMBURSEMENT FOR EXPENSES.—Members shall serve without compensation, except that members are entitled to per diem and travel expenses, pursuant to s. 112.061, incurred in the performance of their duties.

(7) DUTIES; MASTER PLAN.—

(a) The commission shall develop a statewide master plan for commemorating the quincentennial of Juan Ponce de Leon's discovery of Florida. The plan shall be developed to encourage and support participation in the quincentennial by all interested ethnic groups in geographical areas of the state. The commission shall work with representatives from the state's tourism industries, cultural and historical venues, entertainment industry, parks and recreation, K-20 educational institutions, local governments, state and federal agencies, and others as necessary in the preparation and implementation of the master plan.

(b) The master plan may include, but is not limited to, the following projects and activities:

1. State and local historic preservation programs and activities.
2. State and local archaeological programs and activities.
3. Publications, films, and other educational materials.
4. Biographical, bibliographical, and documentary projects that chronicle the life of Juan Ponce de Leon, his 1513 and 1521 voyages to this state, the creation of the commission, and the implementation of the master plan.

5. Conferences, lectures, seminars, and other programs.

6. Museum, library, cultural center, park improvements, services, and exhibits, including, but not limited to, a quincentennial commemorative painting and mobile exhibits.

7. Programs that educate the public on Florida's extinct Native American cultures.

8. Public art that captures the spirit of exploration.

9. Tourism attractions, license plate, logo, seal or trademark design, and retail items.

10. Ceremonies, celebrations, and commemorations throughout the state with special emphasis on such in Charlotte, Lee, Palm Beach, St. Johns, and Monroe Counties, which counties are associated with Juan Ponce de Leon's 1513 voyage.

(c) The commission shall establish a timetable and budget for completion for all parts of the master plan which shall be made a part of the plan. An initial draft of the plan shall be completed and submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State by January 2007 with the completed master plan submitted to such officials by January 2008.

(d) The commission shall be responsible for providing such other assistance and advice to the department as may be required from time to time in matters pertaining to the implementation of the master plan, including, but not limited to, activities of the citizen support organization created by this section for the purpose of raising funds and assisting in the development and implementation of the master plan relating to the quincentennial commemoration of the discovery of this state.

(8) RESPONSIBILITIES OF THE DEPARTMENT OF STATE.—

(a) Subject to appropriation, the department shall provide administrative support and consulting services to the commission for the commission's activities and duties as provided in this section.

(b)1. The Secretary of State may appoint subcommittees as requested by the commission, which may include persons who are not members of the commission. Such persons shall not be entitled to compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

2. In addition to subcommittees requested by the commission, there shall be a subcommittee composed of representatives of local governments which shall include, but not be limited to, a representative from each of the counties of this state with a documented association with Juan Ponce de Leon's 1513 and 1521 voyages to assist the commission in fulfilling its responsibilities under this section and in assisting implementation of the master plan in local communities throughout the state.

3. The secretary shall appoint an advisory committee to the commission that shall be composed of all former living governors of this state to assist and advise the commission in fulfilling its responsibilities under this section.

(c) The Department of State may enter into contracts with, or accept loans or grants of money, property, or personal services from, any agency, corporation, or person to carry out the requirements of this section.

(d)1. The Division of Historical Resources of the Department of State may support the establishment of a citizen support organization pursuant to s. 267.17 to assist the commission in the development and implementation of the master plan relating to the quincentennial commemoration of the discovery of this state. The citizen support organization may receive funds from the general public or other public or private sources for the purpose of funding its activities and implementing the provisions of this section. In addition to funds received from the general public or other public and private sources, the organization may receive funds from state agencies at such times and in such amounts as may be appropriated by the Legislature.

2. Costs to underwrite activities related to the commemoration of the quincentennial may be borne from revenues raised by the citizen support organization.

(e) The Secretary of State may adopt the plan developed by the commission.

(f) The commission shall make recommendations for funding to the Secretary of State and the department shall include requests for funding for the commission and for the master plan in the department's legislative budget request, as the secretary deems appropriate.

(9) TERMINATION OF COMMISSION AND CITIZEN SUPPORT ORGANIZATION.—The commission and the citizen support organization created in subsection (7) shall terminate on July 1, 2014. Prior to termination, all documents of the commission and of the citizen support organization shall be transferred to the Department of State and all remaining assets shall be transferred to the Historical Operating Trust Fund.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 21, 2004.

Filed in Office Secretary of State May 21, 2004.