

## Council Substitute for House Bill No. 337

An act relating to management of Historic Pensacola properties; amending s. 267.173, F.S.; providing for the University of West Florida to directly contract for management of certain state-owned properties in Pensacola; requiring agreement of all parties to existing contracts and execution of contract with the Board of Trustees of the Internal Improvement Trust Fund; deleting a requirement to contract with the Department of State for certain historic properties in Pensacola; deleting language related to transfer of properties and contract requirements with the Department of State; permitting the University of West Florida to contract with its direct-support organization for management of historic properties; providing eligibility for certain grants; providing an effective date.

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

Section 1. Section 267.173, Florida Statutes, is amended to read:

267.173 Historic preservation in West Florida; goals; contracts for historic preservation; powers and duties.—

(1) It is the goal of the state to continue for contracting with the University of West Florida is to ensure long-term preservation and interpretation of state-owned historic properties under the jurisdiction of the Historic Pensacola Preservation Board of Trustees while facilitating an educational program at the University of West Florida that will be responsive to the state's needs for professionals in historic preservation, archaeology, cultural resource management, and museum administration and will help meet needs of West Florida communities through educational internships and practicums.

(2) Upon agreement by all parties to the contracts Department of State shall contract with the University of West Florida for the management of the various state-owned properties managed by the Historic Pensacola Preservation Board of Trustees prior to July 1, 2001, all existing management contracts shall be rescinded upon execution of a contract between the Board of Trustees of the Internal Improvement Trust Fund and the University of West Florida for the management of those properties. The University of West Florida contract shall provide for that the University of West Florida shall use all proceeds derived from the management of these state-owned properties and may contract for such management with its direct-support organization as described in s. 267.1732. Any contract for the management of the properties shall provide that the University of West Florida or its direct-support organization shall use all proceeds derived from the management of the state-owned properties for the purposes purpose of advancing historic preservation, historic preservation research, and historic preservation education.

(3) The Board of Trustees of the Internal Improvement Trust Fund Department of State may transfer ownership and responsibility to any arti-

facts, documents, equipment, and other forms of tangible personal property to the University of West Florida to assist the university in the transition of the management of the state-owned properties. ~~All records, personnel, property, other than real property held under lease by the department from the Board of Trustees of the Internal Improvement Trust Fund, and unexpended balances of appropriations, allocations, or other funds of the Historic Pensacola Board of Trustees shall be transferred to the University of West Florida to be used for its historic preservation activities and responsibilities as set forth in the contract with the Department of State. The transfer of segregated funds must be made in such a manner that the relation between program and revenue source as provided by law is retained.~~

(4)(a) The University of West Florida is the governing body for the management and maintenance of state-owned properties contracted by this section and shall exercise those powers provided through the contract with the Board of Trustees of the Internal Improvement Trust Fund delegated to it by contract as well as performing all lawful acts necessary, and convenient, and incident to the effectuating of the contract, its management and function, and the purposes ~~purpose~~ under this section and s. 267.1732. The University of West Florida may contract with its direct-support organization described in s. 267.1732 to perform all acts that are lawful and permitted for not-for-profit corporations under chapter 617 in assisting the university in carrying out its responsibilities for historic preservation, and historic preservation research, and historic preservation education responsibilities.

(b) The university or its direct-support organization, if permitted in its contract with the university, shall have the power to engage in any lawful business or activity to establish, maintain, and operate the state-owned facilities and properties governed by this section ~~under contract with the Department of State~~, including, but not limited to:

1. The renting or leasing for revenue of any land, improved or restored real estate, or personal property directly related to carrying out the purposes for historic preservation, historic preservation research, and historic preservation education under terms and conditions of the contract with the Board of Trustees of the Internal Improvement Trust Fund ~~Department of State~~ and deemed by the university to be in the best interest of the state.

2. The selling of craft products created through the operation and demonstration of historical museums, craft shops, and other facilities.

3. The limited selling of merchandise relating to Florida history and archaeology ~~the historical and antiquarian period of Pensacola and its surrounding territory and the historical period of West Florida from the Apalachicola River to the western boundaries of the state.~~

(c) The university or its direct-support organization, if permitted in the ~~its~~ contract with the university, shall have the authority to:

1. Enter into agreements to accept credit card payments as compensation, and establish accounts in credit card banks for the deposit of credit card sales invoices.

2. Fix and collect charges for admission to any of the state-owned facilities governed by this section ~~under contract with the Department of State.~~

3. Permit the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.

4. Adopt and enforce reasonable rules, regulations, or policies to govern the conduct of the visiting public.

(5) The Division of Historical Resources in the Department of State may contract with the University of West Florida to serve as the regional office for the West Florida region of the state from the Apalachicola River to the western boundaries of the state. In lieu of the establishment of a citizen advisory board as required by s. 267.031(5)(m), the University of West Florida may use an existing direct-support organization of the university provided that the membership of the direct-support organization is representative of the area of the state to be served and provides the needed expertise in the area of historic preservation.

(6) Notwithstanding the provisions of s. 287.057, the University of West Florida or its direct-support organization may enter into contracts or agreements with or without competitive bidding, in its discretion, for the protection, enhancement, or preservation of historic properties.

(7) Notwithstanding s. 273.055, the University of West Florida may exchange, sell, or otherwise transfer any artifact, document, equipment and other form of tangible personal property if its direct-support organization recommends such exchange, sale, or transfer to the president of the university and if it is determined that the object is no longer appropriate for the purpose of advancing historic preservation. However, any artifact, document, or other form of tangible personal property that has intrinsic historical or archaeological value relating to the history, government, or culture of the state may not be exchanged, sold, or otherwise transferred without prior authorization from the Department of State.

(8) Notwithstanding any other provision of law, the University of West Florida and its direct-support organization are eligible to match state funds in the University Major Gifts Program established pursuant to s. 1011.94 and in the Alec P. Courtelis University Facility Enhancement Challenge Grant Program established pursuant to s. 1013.79.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.