

## Council Substitute for House Bill No. 987

An act relating to cultural and historical programs; creating s. 265.7025, F.S.; providing definitions; amending s. 265.703, F.S.; providing for more than one citizen support organization; adding historical and museum programs to those programs that can be assisted by the citizen support organizations of the Division of Cultural Affairs of the Department of State; revising the name of the trust fund into which funds are deposited; providing that information of the citizen support organization for the Museum of Florida History which is confidential and exempt pursuant to s. 267.17, F.S., retains its status; creating s. 265.704, F.S.; providing powers and duties of the Division of Cultural Affairs related to historical museums; creating s. 265.705, F.S.; providing state policy relating to historic properties; creating s. 265.706, F.S.; authorizing the division to acquire, maintain, preserve, interpret, exhibit, and make available for study certain objects having historical or archaeological value; vesting title of such objects in the division; requiring maintenance of records; requiring inventory of objects of specified value; authorizing the division to loan, exchange, sell, or otherwise transfer certain objects; providing exemptions from ch. 273, F.S.; providing for deposit and use of funds; requiring the adoption of rules; providing a penalty for certain violations by a custodian; providing for insuring of certain items; amending and renumbering s. 267.072, F.S., relating to the Museum of Florida History and its programs; transferring the responsibility for and administration of the Museum of Florida History, its programs, and the citizen support organization for the museum from the Division of Historical Resources to the Division of Cultural Affairs; providing for the operation of additional stores associated with the Museum of Florida History; authorizing the Division of Cultural Affairs to operate other historical museums; conforming provisions to changes made by the act; amending and renumbering s. 267.0619, F.S., relating to historical museum grants under the Division of Historical Resources of the Department of State; transferring the grant program to the Division of Cultural Affairs; conforming provisions to changes made by the act; providing that a for-profit corporation, partnership, or organization is ineligible for receipt of such grants; creating s. 265.709, F.S.; authorizing the Division of Cultural Affairs to promote and encourage the writing of Florida history through certain activities; authorizing the collecting, editing, and publishing of documents related to Florida history; authorizing the division to establish a reasonable charge for such publications; providing for such proceeds to be deposited in the Grants and Donations Trust Fund or certain separate depository accounts; amending s. 267.0612, F.S.; providing a uniform starting date for all appointments to the Florida Historical Commission; amending s. 267.071, F.S.; removing the Museum of Florida History as one of the historical museums that the Division of Historical Resources is required to encourage, promote, maintain, and operate; amending s. 267.0731, F.S.; adding representatives of the Secretary

of State to the list of representatives on the ad hoc committee responsible for making recommendations for Great Floridian nominations; deleting references to the citizen support organization for the Museum of Florida History; deleting responsibilities of the Museum of Florida History; requiring the Department of State to be the repository of certain films or videotapes produced concerning a Great Floridian as well as certain items related to such productions; repealing s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; amending s. 272.129, F.S.; authorizing a citizen support organization for the Legislative Research Center and Museum at the Historic Capitol, which is known as the “center”; requiring the citizen support organization to be a corporation not for profit; authorizing the citizen support organization to perform certain tasks for the direct and indirect benefit of the center; authorizing the center to prescribe conditions with which the citizen support organization must comply in order to use fixed property or facilities of the center; prohibiting the center from permitting a citizen support organization to use the center’s facilities under certain conditions; requiring that the citizen support organization provide for an annual audit; providing that records of the organization are public records; requiring that certain funds be deposited into the account of the citizen support organization; providing for reversion of funds to the state under certain circumstances; providing an effective date.

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

Section 1. Section 265.7025, Florida Statutes, is created to read:

265.7025 Definitions relating to historic programs.—For the purposes of ss. 265.7025-265.709, the term:

(1) “Agency” means any state, county, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) “Division” means the Division of Cultural Affairs of the Department of State.

(3) “Florida history museum” means a public or private nonprofit institution that is established permanently in this state for the purpose of promoting and encouraging knowledge and appreciation of Florida history through the collection, preservation, exhibition, and interpretation of artifacts and other historical properties related to Florida history and the primary role of which is to collect and care for artifacts and other objects of intrinsic historical or archaeological value and exhibit them regularly through a facility or facilities owned or operated by the institution.

(4) “Historic property” or “historic resource” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monu-

ments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure troves, artifacts, or other objects having intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the state.

(5) “Preservation” or “historic preservation” means the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Section 2. Section 265.703, Florida Statutes, is amended to read:

265.703 Citizen support organizations ~~organization~~; use of state administrative services and property; audit.—

(1) CITIZEN SUPPORT ORGANIZATIONS ORGANIZATION.—The division may support the establishment of a citizen support organizations organization to provide assistance, funding, and promotional support for the cultural, and arts, historical, and museum programs of the division. For the purposes of this section, a “citizen support organization” means an organization which is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) 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.

(c) Determined by the division to be consistent with the goals of the division and in the best interests of the state.

(d) Approved in writing by the division to operate for the direct or indirect benefit of the division. Such approval shall be given in a letter of agreement from the division.

(2) USE OF ADMINISTRATIVE SERVICES AND PROPERTY.—

(a) The division may fix and collect charges for the rental of facilities and properties managed by the division and may permit, without charge, appropriate use of administrative services, property, and facilities of the division by a citizen support organization, subject to the provisions of this section. Such use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with opportunities for the general public to use such facilities for established purposes. Any moneys received from rentals of facilities and properties managed by the division may be held in the Grants and Donations Trust Fund ~~operating trust fund~~ of the division or in a separate depository account in the name of the citizen support organization and subject to the provisions of the letter of agreement with the division.

The letter of agreement shall provide that any funds held in the separate depository account in the name of the citizen support organization shall revert to the division if the citizen support organization is no longer approved by the division to operate in the best interests of the state.

(b) The division may prescribe by rule any condition with which a citizen support organization shall comply in order to use division administrative services, property, or facilities.

(c) The division shall not permit the use of any administrative services, property, or facilities of the state by a citizen support organization which does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) ANNUAL AUDIT.—The citizen support organization shall provide for an annual financial audit in accordance with s. 215.981. Information of the Museum of Florida History citizen support organization which is confidential and exempt pursuant to s. 267.17 shall retain its confidential and exempt status.

Section 3. Section 265.704, Florida Statutes, is created to read:

265.704 Historical museums; powers and duties of the Division of Cultural Affairs.—

(1) The division shall adopt rules pursuant to s. 120.536(1) and s. 120.54 to administer the provisions of ss. 265.7025-265.709.

(2) The division may make and enter into all contracts and agreements with other agencies, organizations, associations, corporations, and individuals or with federal agencies as it may determine are necessary, expedient, or incidental to the performance of its duties or the execution of its powers under ss. 265.7025-265.709.

(3) The division may accept gifts, grants, bequests, loans, and endowments for purposes not inconsistent with its responsibilities under this chapter. The division may also establish an endowment that is consistent with the responsibilities under ss. 265.7025-265.709.

(4) It is the duty of the division to:

(a) Promote and encourage throughout the state knowledge and appreciation of Florida history by encouraging the people of the state to engage in the preservation and care of artifacts, museum items, treasure troves, and other historical properties; the collection, research, fabrication, exhibition, preservation, and interpretation of historical materials; the publicizing of the state's history through public information media; and other activities in historical and allied fields.

(b) Encourage, promote, maintain, and operate historical museums, including, but not limited to, mobile museums, junior museums, and the Museum of Florida History in the state capital.

(c) Plan and develop, in cooperation with other state agencies and with municipalities, programs to promote and encourage the teaching of Florida's history and heritage in Florida schools and other educational institutions and other such educational programs as may be appropriate.

(d) Establish professional standards for the preservation, exclusive of acquisition, of historical resources in state ownership or control.

(e) Take such other actions as are necessary or appropriate to locate, acquire, protect, preserve, operate, interpret, and promote the location, acquisition, protection, preservation, operation, and interpretation of historical resources to foster an appreciation of Florida history and culture.

Section 4. Section 265.705, Florida Statutes, is created to read:

265.705 State policy relative to historical properties.—The rich and unique heritage of historical properties in this state, representing more than 10,000 years of human presence, is an important legacy to be valued and conserved for present and future generations. The destruction of these non-renewable historical resources will engender a significant loss to the state's quality of life, economy, and cultural environment. It is therefore declared to be state policy to provide leadership in the preservation of the state's historical resources and to administer state-owned or state-controlled historical resources in a spirit of stewardship and trusteeship.

Section 5. Section 265.706, Florida Statutes, is created to read:

265.706 Objects of historical or archaeological value.—The division shall acquire, maintain, preserve, interpret, exhibit, and make available for study objects that have intrinsic historical or archaeological value relating to the history, government, or culture of the state. Such objects may include tangible personal property of historical or archaeological value. Objects acquired under this section belong to the state and title to such objects is vested in the division.

(1) Notwithstanding s. 273.02, the division shall maintain an adequate record of all objects in its custody which have a historical or archaeological value. Once each year, on July 1 or as soon thereafter as practicable, the division shall take a complete inventory of all such objects in its custody the current value or cost of which is \$1,000 or more and a sample inventory of such objects the current value or cost of which is less than \$1,000. Each inventory shall be compared with the property record and all discrepancies shall be traced and reconciled. Objects of historical or archaeological value are not required to be identified by marking or other physical alteration of the objects.

(2) The division may arrange for the temporary or permanent loan of any object that has historical or archaeological value in its custody. Such loans shall be for the purpose of assisting historical, archaeological, or other studies; providing objects relating to interpretive exhibits and other educational programs that promote knowledge and appreciation of Florida history and the programs of the division; or assisting the division in carrying out its responsibility to ensure proper curation of the objects.

(3) The division may determine from time to time that an object in its custody and owned by the state has no further use or value for the research, exhibit, or educational programs of the division, or that such an object will receive more appropriate maintenance and preservation by another agency, institution, or organization, and may loan, exchange, sell, or otherwise transfer ownership and custody of such object to another agency, institution, or organization for the purpose of ensuring the continued maintenance and preservation of such object, or for the purpose of acquiring another object that better serves the interests of the state and is more appropriate for promoting knowledge and appreciation of Florida history and the programs of the division.

(4) For the purpose of the exchange, sale, or other transfer of objects of historical or archaeological value, the division is exempt from chapter 273.

(5) All moneys received from the sale of an object that has historical or archaeological value pursuant to subsection (3) shall be deposited in the Grants and Donations Trust Fund and shall be used exclusively for the acquisition of additional historical and archaeological objects or the preservation and maintenance of any such objects in the custody of the division.

(6) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 which prescribe criteria for the inventory and for the loan, exchange, sale, transfer, or other disposal of state-owned objects of historical or archaeological value.

(7) Any custodian as defined in s. 273.01(1) who violates any provision of this section or any rule adopted pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Notwithstanding any provision of s. 287.022 or s. 287.025(1)(e), the division may enter into contracts to insure museum collections, artifacts, exhibitions, relics, and fine arts that are loaned to it or to which it holds title.

Section 6. Section 267.072, Florida Statutes, is renumbered as section 265.707, Florida Statutes, and amended to read:

265.707 267.072 Museum of Florida History and programs; other historical museums.—

(1) The division is authorized to operate the Museum of Florida History and other historical museums.

(2)(4) The division shall establish and administer a museum store in the Museum of Florida History to provide information and materials relating to museum exhibits, collections, and programs to the public and may operate additional stores associated with the museum. The store may produce, acquire, and sell craft products, replicas and reproductions of artifacts, documents, and other merchandise relating to historical and cultural resources and may make a reasonable charge for such merchandise. All proceeds received from sales must be deposited into the Grants and Donations Historical Resources Operating Trust Fund or, funds in excess of the amount

required to pay employees involved in the direct management of the museum store, may be deposited into a bank account of the citizen support organization created pursuant to ~~s. 265.703 s. 267.17~~ and may ~~only~~ only be used to support the programs of the Museum of Florida History. The museum store may enter into agreements and accept credit-card payments as compensation for goods and products sold. The division may establish accounts in credit-card banks for the deposit of credit-card sales invoices and to pay discounts and service charges in connection with the use of credit cards.

(3)(2) The division shall support the establishment and operation of a nonprofit organization or association established pursuant to s. 265.703 s. 267.17 to promote and encourage knowledge and appreciation of Florida history and the programs of the Museum of Florida History and to cooperate with historical societies and other organizations to provide funding and promotional support for the programs of the museum. Such organization or association may, with the consent of the division, operate the museum store or conduct special events and programs in the museum. All proceeds must be used to support the programs of the Museum of Florida History.

(4)(3) The division shall deposit gifts and donations for the purpose of assisting the Museum of Florida History and its programs in the Grants and Donations Historical Resources Operating Trust Fund to be used exclusively for the benefit of programs of the museum and in a manner consistent with any terms or conditions agreed to by the division in accepting such gifts.

Section 7. Section 267.0619, Florida Statutes, is renumbered as section 265.708, Florida Statutes, and amended to read:

265.708 267.0619 Historical Museum Grants.—

(1) The division may conduct a program to provide:

(1)(a) ~~Grants from the Historical Resources Operating Trust Fund~~, including matching grants, to a department or agency of the state; a unit of county, municipal, or other local government; or a public or private ~~profit or~~ nonprofit corporation, partnership, or other organization to assist in the development of public educational exhibits relating to the historical resources of Florida; and

(b) ~~Grants from the Historical Resources Operating Trust Fund~~ to Florida history museums that are not state-operated to assist such museums in paying for operating costs.

(2) In order to be eligible to receive a grant ~~from the trust fund~~ to assist in paying operating costs, a Florida history museum must fulfill the following criteria:

(a) The mission of the museum must relate directly and primarily to the history of Florida. If the museum has more than one mission, the museum is eligible to receive a grant for that portion of the operating costs which is reasonably attributable to its mission relating to the history of Florida;

(b) The museum must have been operating and open to the public for at least 180 days each year during the 2-year period immediately preceding the date upon which the museum applies for the grant;

(c) The museum must be open and providing museum services to the public for at least 180 days each year; and

(d) The museum must currently employ, and must have employed during the 2-year period immediately preceding the date upon which the museum applies for the grant, at least one full-time staff member or the equivalent thereof whose primary responsibility is to acquire, maintain, and exhibit to the public objects that are owned by, or are on loan to, the museum.

(3) ~~An application for a grant must be made to the division on a form provided by the division.~~ The division shall adopt rules prescribing categories of grants, application requirements, criteria and procedures for the review and evaluation of applications, and other procedures necessary for the administration of the program, subject to the requirements of this section. Grant review panels appointed by the Secretary of State ~~and chaired by a member of the Florida Historical Commission or a designee appointed by the commission's presiding officer~~ shall review each application for a museum grant-in-aid. The review panel shall submit to the Secretary of State for approval lists of all applications that are recommended by the panel for the award of grants, arranged in order of priority. The division may award a grant to a Florida history museum only if the award has been approved by the Secretary of State.

(4) ~~Grants Money received as an appropriation or contribution to the grants program must be deposited into the Historical Resources Operating Trust Fund. Money appropriated from general revenue to the trust fund for the program may not be awarded~~ granted to a private for-profit museum ~~or used.~~ Money appropriated from any source to the trust fund for the program may not be granted to pay the cost of locating, identifying, evaluating, acquiring, preserving, protecting, restoring, rehabilitating, stabilizing, or excavating an archaeological or historic site or a historic building or the planning of any of those activities.

(5) The division may grant moneys quarterly ~~from the Historical Resources Operating Trust Fund~~ to history museums in advance of an exhibit or program for which the moneys are granted.

Section 8. Section 265.709, Florida Statutes, is created to read:

265.709 Publications.—The division may promote and encourage the writing of Florida history and collect, edit, publish, and print pamphlets, papers, manuscripts, documents, books, monographs, and other materials relating to Florida history. The division may establish a reasonable charge for such publications and shall hold any moneys received from the sale of publications in the Grants and Donations Trust Fund or in a separate depository account in the name of a citizen support organization formed pursuant to s. 265.703 and subject to the provision of a letter of agreement with the division.



Section 9. Paragraph (a) of subsection (1) of section 267.0612, Florida Statutes, is amended to read:

267.0612 Florida Historical Commission; creation; membership; powers and duties.—In order to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties, there is created within the Department of State the "Florida Historical Commission." The commission shall serve in an advisory capacity to the director of the Division of Historical Resources to assist the director in carrying out the purposes, duties, and responsibilities of the division, as specified in this chapter.

(1)(a)1. The commission shall be composed of 11 members. Seven members shall be appointed by the Governor in consultation with the Secretary of State, two members shall be appointed by the President of the Senate, and two members shall be appointed by the Speaker of the House of Representatives. Of the seven members appointed by the Governor, one member must be a licensed architect who has expertise in historic preservation and architectural history; one member must be a professional historian in the field of American history; one member must be a professional architectural historian; one member must be an archaeologist specializing in the field of prehistory; and one member must be an archaeologist specializing in the historic period. The remaining two members appointed by the Governor and the two members appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, must be representatives of the general public with demonstrated interest in the preservation of Florida's historical and archaeological heritage. At least one member of the commission shall be a resident of a county that has a population of 75,000 or fewer.

2. After June 30, 2008, terms of appointment shall begin on January 1 of the year of appointment.

Section 10. Subsection (2) of section 267.071, Florida Statutes, is amended to read:

267.071 Historical museums.—It is the duty of the division to:

(2) Encourage, promote, maintain, and operate historical museums, including, but not limited to, mobile museums and, junior museums, ~~and the Museum of Florida History in the state capital.~~

Section 11. Paragraphs (b) and (c) of subsection (1) and paragraph (a) of subsection (2) of section 267.0731, Florida Statutes, are amended to read:

267.0731 Great Floridians Program.—The division shall establish and administer a program, to be entitled the Great Floridians Program, which shall be designed to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of this state.

(1) The division shall nominate present or former citizens of this state, living or deceased, who during their lives have made major contributions to the progress of the nation or this state and its citizens. Nominations shall

be submitted to the Secretary of State who shall select from those nominated not less than two persons each year who shall be honored with the designation "Great Floridian," provided no person whose contributions have been through elected or appointed public service shall be selected while holding any such office.

~~(b) In formulating its nominations, the division shall also seek the assistance of the organization acting in the capacity as a citizen support organization of the division, pursuant to s. 267.17 and approved to act on behalf of the Museum of Florida History.~~

~~(b)(c)~~ Annually, the division shall convene an ad hoc committee composed of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the ~~Secretary of State organization described in paragraph (b).~~ This committee shall meet at least twice. The committee shall nominate not fewer than two persons whose names shall be submitted to the Secretary of State with the recommendation that they be honored with the designation "Great Floridian."

(2) Upon designation of a person as a Great Floridian by the Secretary of State, the division shall undertake appropriate activities intended to achieve wide public knowledge of the person designated.

(a) The division may seek to initiate production of a film or videotape depicting the life and contributions of the designee to this state and to the nation. If technology surpasses the use of film or videotape, another medium of equal quality may be used.

~~1. In the production of such films, the division shall seek cooperation from local volunteers throughout the state and, in particular, shall seek fundraising and other assistance of the citizen support organization created pursuant to s. 267.17 to support the programs of the Museum of Florida History.~~

~~1.2.~~ The ~~Department of State Museum of Florida History~~ shall be the repository of the original negative, the original master tape, and all cuttings, of any film or videotape produced under the authority of this paragraph. The division also may exercise the right of trademark over the terms "Great Floridian" or "Great Floridians" pursuant to s. 286.031.

~~2.3.~~ The division shall arrange for the distribution of copies of all films to the general public, public television stations, educational institutions, and others and may establish a reasonable charge to recover costs associated with production and to provide a source of revenue to assist with reproduction, marketing, and distribution of Great Floridians films. Proceeds from such charges shall be deposited into the Historical Resources Operating Trust Fund.

Section 12. Section 267.174, Florida Statutes, is repealed.

Section 13. Subsection (4) is added to section 272.129, Florida Statutes, to read:

272.129 Florida Historic Capitol; space allocation; maintenance, repair, and security.—

(4)(a) The Legislative Research Center and Museum at the Historic Capitol, hereinafter referred to as “center,” may support the establishment of a citizen support organization to provide assistance, funding, and promotional support for the center. For the purposes of this subsection, “citizen support organization” means an organization that is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

2. 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 real and personal property; and make expenditures to or for the direct or indirect benefit of the center.

3. Determined by the center to be consistent with the goals of the center and in the best interests of the state.

4. Annually approved in writing by the center to operate for the direct or indirect benefit of the center. Such approval shall be given in a letter of agreement from the center.

(b)1. The Legislative Research Center and Museum at the Historic Capitol may permit, without charge, appropriate use of fixed property and facilities of the center by the citizen support organization, subject to the provisions of this subsection. Such use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with normal operations of the center.

2. The center may prescribe by rule any condition with which the citizen support organization must comply in order to use fixed property or facilities of the center.

3. The center may not permit the use of any fixed property or facilities by any citizen support organization if such organization does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(c) A citizen support organization shall provide for an annual financial audit in accordance with s. 215.981.

(d) All records of a citizen support organization constitute public records for the purposes of chapter 119.

(e) The citizen support organization for the Legislative Research Center and Museum at the Historic Capitol is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center.

(f) All funds obtained through rental fees, grants, gifts, and donations to the citizen support organization shall be deposited into the account of the citizen support organization and used for the direct or indirect benefit of the Legislative Research Center and Museum at the Historic Capitol unless the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist. If the citizen support organization is no longer authorized as required by this subsection, fails to comply with the requirements of this subsection, fails to maintain its tax-exempt status pursuant to s. 501(c)(3) of the Internal Revenue Code, or ceases to exist, all funds obtained through rental fees, grants, gifts, and donations in the citizen support organization account shall revert to the state and be deposited into an account designated by the Legislature.

Section 14. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.