

## CHAPTER 2011-250

### Committee Substitute for House Bill No. 745

An act relating to the Polk County Historical Commission, Polk County; amending chapter 96-462, Laws of Florida; revising the number of commission members; providing for membership eligibility, terms of membership, meetings, attendance at meetings, and rules of procedure; providing for staff; providing powers and duties; providing for funding and the creation of dedicated accounts for the Polk County Historical Museum and the Genealogical Library; deleting provisions relating to the Polk County Historical Association; requiring the board of county commissioners to provide a repository for certain materials; providing an effective date.

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

Section 1. Chapter 96-462, Laws of Florida, is amended to read:

Section 1. There is created a commission to be known as the “Polk County Historical Commission.” The commission shall consist of 9 ~~13~~ members who meet the following qualifications:

(1) The Chairperson of the Polk County Board of County Commissioners or his or her designated commissioner.

(2) A member who is directly involved with the operation of historic museums, sites, or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 1.

(3) A member who is directly involved with the operation of historic museums, sites, or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 2.

(4) A member who is directly involved with the operation of historic museums, sites, or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 3.

(5) A member who is directly involved with the operation of historic museums, sites, or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 4.

(6) A member who is directly involved with the operation of historic museums, sites, or organizations in Polk County or who has shown a demonstrated interest in historic preservation and who resides in Commission District 5.

(7) An at-large member who has shown a demonstrated interest in historic preservation.

(8) An at-large member who has shown a demonstrated interest in historic preservation.

(9) A representative of the Polk County Library Cooperative.

Members 7, 8, and 9 shall be appointed by the chairperson of the board. Member 2 shall be appointed by the commissioner from district 1; member 3 shall be appointed by the commissioner from district 2; member 4 shall be appointed by the commissioner from district 3; member 5 shall be appointed by the commissioner from district 4; and member 6 shall be appointed by the commissioner from district 5, consisting of: Member number one, a member of the Board of County Commissioners of Polk County; member number two, a county judge of Polk County; member number three, the Clerk of the Circuit Court of Polk County; and members numbered four, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen, who must be registered voters of Polk County, who must be appointed by the Polk County Board of County Commissioners, and whose terms of office are for 4 years and until their successors are appointed and qualified. In selecting registered voters to serve as members of the historical commission, the board of county commissioners shall consider their interest in the history and cultural lore and development of the county and state. A member of the commission may not receive any compensation for service on the commission. Of the 10 members appointed by the board of county commissioners, two must reside in each of the five county commission districts.

Section 2. (1) All members of the commission shall be electors of Polk County. Members 2, 3, and 4 shall initially serve terms of 2 years each; members 5, 6, and 7 shall initially serve terms of 3 years each; and members 8 and 9 shall initially serve terms of 4 years each. Thereafter, members shall serve staggered terms of 3 years each. Vacancies shall be filled by the chairperson of the board for the unexpired term in the same manner as the original appointment. Members may be reappointed to serve one additional term.

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

Section 3. A quorum shall consist of five members. The commission may, when necessary, appoint a clerk to be known as "County Historian."

Section 4. At its first meeting, and annually thereafter, the commission shall select from among its membership a chairperson and a vice chairperson and shall adopt bylaws and rules of procedure.

Section 5. The commission shall meet at such times and locations as announced by the chairperson but not less than quarterly during any calendar year. All meetings of the commission are subject to the provisions and protocols of section 286.011, Florida Statutes, and chapter 119, Florida Statutes.

Section 6. It is the duty of the commission to collect, arrange, record, and preserve historical material and data, including books, pamphlets, maps, charts, manuscripts, family histories, census records, papers, and other objects and material illustrative of and relating to the history of Polk County and of Florida and otherwise; to procure and preserve narratives of the early pioneers and, their exploits, perils, privations, and achievements; and to collect material of every description relative to the history of its Indian tribes and wars and relative to its soldiers, schools, and churches. In addition, the commission shall exercise the following powers and duties over the Polk County Historical Museum and the Polk County Genealogical Library:

(1) Develop and establish reliable and sustainable sources of public, private, and enterprise funding to ensure the continued operation of the historical museum and the genealogical library and maintenance of its collections.

(2) Serve as an advisory commission to the board and the staff of the historical museum and genealogical library and the executive director as requested.

(3) Apply for grants of money or property for the benefit of the historical museum and genealogical library, subject to acceptance of such grants by the board.

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

Section 7. All funding, gifts, and grants that are secured on behalf of the historical museum and the genealogical library, from whatever source, shall be used solely in the interest of historical preservation on behalf of the citizens of Polk County for the purpose of collection, display, recording, and preservation of historical material and data; for maintenance of the collections and facilities; and for the operation of the historical museum and the genealogical library.

Section 8. All funds received for the historical museum and the genealogical library, whether from gifts, grants, bequests, donations,

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

Section 9.5. The commission may, upon its own initiative or upon petition of municipalities or historical societies, mark by proper monuments, tablets, or markers the locations of forts or other places in Polk County where historical events have transpired.

Section 10.6. The Clerk of the Circuit Court of Polk County shall file and record, without charge, in a book or books which shall be furnished to the clerk by the board of county commissioners, all such historical material and data that the commission directs to be filed and recorded.

~~Section 7. The Polk County Historical Commission shall sponsor a Polk County Historical Association, made up of interested persons from all areas of the county, membership on which may require a membership fee. Membership fees shall be deposited into the general fund budget of the association to be earmarked for the specific use of the preservation of history.~~

Section 11.8. The Board of County Commissioners of Polk County shall pay the expenses of the historical commission out of the general fund of the county. The board of county commissioners shall also provide suitable and adequate space as a repository for the findings, collections, and other material of the historical commission, the historical museum, and the genealogical library.

Section 12.9. This act shall not be construed as affecting any action, right, or liability of the Polk County Historical Commission taken before or existing on the effective date of this act. This act does not affect the term of any person serving on the Polk County Historical Commission on the day before the effective date of this act.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 21, 2011.

Filed in Office Secretary of State June 21, 2011.