

By Senator Dean

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1                   A bill to be entitled  
2           An act relating to the Florida Agricultural Museum;  
3           repealing s. 570.901, F.S., relating to the museum;  
4           amending ss. 570.902 and 570.903, F.S., relating to  
5           direct-support organizations for the museum and  
6           certain other programs and definitions applicable to  
7           such provisions; deleting provisions pertaining to the  
8           museum to conform to the repeal by the act of  
9           provisions establishing the museum; providing an  
10          effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14          Section 1. Section 570.901, Florida Statutes, is repealed.

15          Section 2. Section 570.902, Florida Statutes, is amended to  
16 read:

17          570.902 Definitions; ss. 570.902 and 570.903.—For the  
18 purpose of ss. 570.902 and 570.903:

19          (1) "Designated program" means the specific departmental  
20 program which a direct-support organization has been created to  
21 support.

22          (2) "Direct-support organization" or "organization" means  
23 an organization which is a Florida corporation not for profit  
24 incorporated under the provisions of chapter 617 and approved by  
25 the department to operate for the benefit of ~~a museum or a~~  
26 specific departmental program.

27          ~~(3) "Museum" means the Florida Agricultural Museum which is~~  
28 ~~designated as the museum for agriculture and rural history of~~  
29 ~~the State of Florida.~~

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30 Section 3. Section 570.903, Florida Statutes, is amended to  
31 read:

32 570.903 Direct-support organization.—

33 (1) When the Legislature authorizes the establishment of a  
34 direct-support organization to provide assistance for ~~the~~  
35 ~~museums~~, the Florida Agriculture in the Classroom Program, the  
36 Florida State Collection of Arthropods, the Friends of the  
37 Florida State Forests Program of the Division of Forestry, and  
38 the Forestry Arson Alert Program, and other programs of the  
39 department, the following provisions shall govern the creation,  
40 use, powers, and duties of the direct-support organization.

41 (a) The department shall enter into a memorandum or letter  
42 of agreement with the direct-support organization, which shall  
43 specify the approval of the department, the powers and duties of  
44 the direct-support organization, and rules with which the  
45 direct-support organization shall comply.

46 (b) The department may permit, without charge, appropriate  
47 use of property, facilities, and personnel of the department by  
48 a direct-support organization, subject to ~~the provisions of~~ ss.  
49 570.902 and 570.903. The use shall be directly in keeping with  
50 the approved purposes of the direct-support organization and  
51 shall not be made at times or places that would unreasonably  
52 interfere with opportunities for the general public to use  
53 department facilities for established purposes.

54 (c) The department shall prescribe by contract or by rule  
55 conditions with which a direct-support organization shall comply  
56 in order to use property, facilities, or personnel of the  
57 department ~~or museum~~. Such rules shall provide for budget and  
58 audit review and oversight by the department.

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59 (d) The department may ~~shall~~ not permit the use of  
60 property, facilities, or personnel of the ~~museum~~, department, or  
61 designated program by a direct-support organization which does  
62 not provide equal employment opportunities to all persons  
63 regardless of race, color, religion, sex, age, or national  
64 origin.

65 (2) (a) The direct-support organization shall be empowered  
66 to conduct programs and activities; raise funds; request and  
67 receive grants, gifts, and bequests of money; acquire, receive,  
68 hold, invest, and administer, in its own name, securities,  
69 funds, objects of value, or other property, real or personal;  
70 and make expenditures to or for the direct or indirect benefit  
71 of the ~~museum~~ or designated program.

72 (b) Notwithstanding the provisions of s. 287.057, the  
73 direct-support organization may enter into contracts or  
74 agreements with or without competitive bidding for the  
75 restoration of objects, historical buildings, and other  
76 historical materials or for the purchase of objects, historical  
77 buildings, and other historical materials which ~~are to be added~~  
78 ~~to the collections of the museum~~, or benefit the designated  
79 program. However, before the direct-support organization may  
80 enter into a contract or agreement without competitive bidding,  
81 the direct-support organization shall file a certification of  
82 conditions and circumstances with the internal auditor of the  
83 department justifying each contract or agreement.

84 (c) Notwithstanding the provisions of s. 287.025(1)(e), the  
85 direct-support organization may enter into contracts to insure  
86 property of the ~~museum~~ or designated programs and may insure  
87 objects or collections on loan from others in satisfying

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88 security terms of the lender.

89 (3) The direct-support organization shall provide for an  
90 annual financial audit in accordance with s. 215.981.

91 (4) Neither a designated program ~~or a museum~~, nor a  
92 nonprofit corporation trustee or employee may:

93 (a) Receive a commission, fee, or financial benefit in  
94 connection with the sale or exchange of historical objects or  
95 properties to the direct-support organization, ~~the museum~~, or  
96 the designated program; or

97 (b) Be a business associate of any individual, firm, or  
98 organization involved in the sale or exchange of property to the  
99 direct-support organization, ~~the museum~~, or the designated  
100 program.

101 (5) All moneys received by the direct-support organization  
102 shall be deposited into an account of the direct-support  
103 organization and shall be used by the organization in a manner  
104 consistent with the goals of the ~~museum~~ or designated program.

105 (6) The identity of a donor or prospective donor who  
106 desires to remain anonymous and all information identifying such  
107 donor or prospective donor are confidential and exempt from the  
108 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
109 Constitution.

110 (7) The Commissioner of Agriculture, or the commissioner's  
111 designee, may serve on the board of trustees and the executive  
112 committee of any direct-support organization established to  
113 benefit ~~the museum~~ or any designated program.

114 ~~(8) The department shall establish by rule archival~~  
115 ~~procedures relating to museum artifacts and records. The rules~~  
116 ~~shall provide procedures which protect the museum's artifacts~~

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117 ~~and records equivalent to those procedures which have been~~  
118 ~~established by the Department of State under chapters 257 and~~  
119 ~~267.~~

120 Section 4. This act shall take effect July 1, 2010.