

Appendix A

Historic Preservation

Sarasota County Comprehensive Plan

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Historic Preservation

SECTION 1: Preservation Laws

Federal Government

Antiquities Act of 1906 - Public Law 59 209 16 U.S.C. 431 33

This Act authorizes the President to designate historic and natural resources of national significance located on federally owned or controlled lands as national monuments. It provides for the protection of all historic and prehistoric ruins and objects of antiquity located on federal lands by providing criminal sanctions against excavation, injury, or destruction of such antiquities without the permission of the Secretary of the Department having jurisdiction over such resources. The Secretaries of the Interior, Agriculture, and Defense are authorized to issue permits for archaeological investigations on lands under their control to recognized educational and scientific institutions for the purpose of systematically and professionally gathering data of scientific value. For further information, consult the Interagency Resources Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Historic Sites Act of 1935 - Public Law 74 292

This Act establishes as national policy the preservation for public use of historic resources by giving the Secretary of the Interior the power to make historic surveys to document, evaluate, acquire, and preserve archaeological and historic sites across the country. It led to the eventual establishment within the National Park Service of the Historic Sites Survey, the Historic American Buildings Survey, and the Historic American Engineering Record. For further information, consult the Associate Director for Cultural Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

National Historic Preservation Act of 1966 - Public Law 89 665 16 U.S.C. 470 470m.

This Act authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects of local, state, and national significance and to grant funds to states for the purpose of undertaking comprehensive statewide historic surveys and preparing matching grants in aid to the states for the preservation, acquisition, and development of National Register properties and provides funding to the National Trust for Historic Preservation to implement its programs. The Advisory Council on Historic Preservation was established through this Act to advise the President and Congress on matters relating to historic preservation and to comment on federally licensed, funded, or executed undertakings affecting National Register properties. Under Section 106, federal agencies are required to take into account the effect of their proposed undertakings on properties listed in or eligible for inclusion in the National Register before the expenditure of federal funds or the issuance of any licenses, and to allow the Advisory Council a reasonable opportunity to comment. For further information about grants or nominations, consult the Associate Director for Cultural Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. For further information on the Council's procedures, consult the Advisory Council on Historic Preservation, Old Post Office Building, 1100 Pennsylvania Avenue, NW, Room 809, Washington, D.C. 20004. This Act was amended significantly by the National Historic Preservation Act Amendments of 1980.

The Local Government Comprehensive Planning and Land Development Regulation Act - (Chapter 163, F.S. 1986)

This Act requires historic resources to be addressed in the land use, housing, and coastal management elements prepared in conformance with State planning requirements.

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act of 1990 established the rights of lineal descendants and members of Indian tribes and native Hawaiian organizations to certain Native American human remains and cultural items with which they are affiliated.

Transportation Act of 1966 Public Law 89 670 23 U.S.C. 138 "4(f)"

This Act directs the Secretary of Transportation not to approve any program or project that requires the use of land from a historic site of national, state, or local significance as determined by federal, state, or local officials having jurisdiction thereof unless 1) there is no feasible and prudent alternative to the use of such land, and 2) such program includes all possible planning to minimize harm to such historic property. This means that the Federal Highway Administration, the Federal Aviation Administration, the Urban Mass Transportation Administration, and the U.S. Coast Guard must consider the potential effect of their projects on historic resources whether or not the historic resource affected is listed in or determined to be eligible for the National Register. For further information, consult the Office of Environmental Affairs, U.S. Department of Transportation, Washington, D.C. 20590.

National Environmental Policy Act of 1969 - Public Law 91 140 42 U.S.C. 4321 et. seq. (1970)

Under this Act federal agencies are obligated to consider the environmental costs of their projects as part of the federal planning process. For major federal actions significantly affecting the quality of the human environment, federal agencies are to prepare an environmental impact statement. The Department of the Interior and the Advisory Council on Historic Preservation comment on environmental impact statements to evaluate impact on historic resources. For further information, consult the Office of Review and Compliance, Advisory Council on Historic Preservation, Old Post Office Building, 1100 Pennsylvania Avenue, NW, Room 809, Washington, D.C. 20004.

Executive Order 11593, Protection and Enhancement of the Cultural Environment 16 U.S.C., 470 (Supp. 1, 1971)

With this Order, the President directs federal agencies to take a leadership role in preserving, restoring, and maintaining the historic environment of the Nation. Federal agencies must survey, inventory, and nominate all historic resources under their jurisdiction or control (to the extent that the agency substantially exercises the attributes of ownership) to the National Register. Until these processes are completed, agency heads must exercise caution to assure that potentially qualified federal property is not inadvertently transferred, sold, demolished, or substantially altered. When planning projects, agencies are urged to request the opinion of the Secretary of the Interior as to the eligibility for National Register listing of properties whose resource value is questionable or has not been inventoried. Agencies are directed to institute procedures, in consultation with the Advisory Council on Historic Preservation, to ensure that federal plans and programs contribute to the preservation and enhancement of non federally owned historic resources.

The procedures of the Advisory Council on Historic Preservation recommend that federal agencies comply by identifying all potential historic resources in the environmental impact area of projects which they fund, license, or execute. Properties that have been determined eligible under this process receive the same protection as National Register listed properties under Section 106 of the National Historic Preservation Act, as amended, but they are not eligible to be considered for National Park Service matching grants in aid. For information and procedures on requesting determinations of eligibility, consult the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Substantial portions of the Order were incorporated into and modified by the National Historic Preservation Act Amendments of 1980.

The Archaeological and Historic Preservation Act of 1974 Public Law 93 291 16 U.S.C. 469a

This Act calls for the preservation of historic and archaeological data that would otherwise be lost as a result of federal construction or other federally licensed or assisted activities. It authorizes the Secretary of the Interior, or the agency itself, to undertake recovery, protection, and preservation of such data. When federal agencies find that their undertakings may cause irreparable damage to archaeological resources, the agencies shall notify the Secretary of the Interior, in writing, of the situation. The agencies involved may undertake recovery and preservation with their own project funds, or they may request the Secretary of the Interior to undertake preservation measures.

Archaeological salvage or recording by the Historic American Buildings Survey or the Historic American Engineering Record are among the alternatives available to the Secretary. This Act presents two innovations over previous law: 1) previously only dams were covered, now all federal projects are; and 2) up to 1 percent of project funds may be used for this purpose. For further information, consult the Interagency Resources Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. This Act was amended by the National Historic Preservation Act Amendments of 1980.

Housing and Community Development Act of 1974 - Public Law 93 333

This Act replaces the Department of Housing and Urban Development (HUD) categorical grant programs that previously funded urban renewal, planning, and other federally assisted community development activities with a comprehensive block grant program. Funds may be used for a broad range of community development activities. The acquisition, rehabilitation, preservation, and restoration of historic properties, historic preservation planning and surveys, and adaptive use of historic resources may be funded with block grants. Funds may be used as the match for grant money from the National Park Service. Communities receiving funds must comply with federal laws and regulations protecting historic resources; HUD has delegated these responsibilities directly to the recipients who now function as federal officials. For further information, consult the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410.

Emergency Home Purchase Assistance Act of 1974 Public Law 93 449 12 U.S.C. 1723e

This Act authorizes federal insurance for loans to finance the restoration or rehabilitation of residential structures listed in or eligible for the National Register. Address inquiries to Director, Title I Insured Loan Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 6133, Washington, D.C. 20410.

Amendment to the Land and Water Conservation Fund Act of 1965 Public Law 94 422 16 U.S.C. 4601 4 1976

This Act allows the Secretary of the Interior, at his discretion, to increase the maximum percentage of federal funding from 50 percent to 70 percent for statewide historic preservation plans, surveys, and project plans as allowed under the National Historic Preservation Act of 1966. It establishes a Historic Preservation Fund to carry out the provisions of this act and establishes the Advisory Council on Historic Preservation as an independent agency. Section 106 of the National Historic Preservation Act is amended to direct federal agencies to take into account in the planning process, properties eligible for inclusion in the National Register, as well as those already listed. For further information, consult the Associate Director for Cultural Resources, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Public Buildings Cooperative Use Act of 1976 Public Law 94 541 90 STAT. 2505,40 U.S.C. 175

This Act requires the General Service Administration (GSA) to acquire structures of historic or architectural significance for federal office buildings. Unless the choice is infeasible and imprudent, GSA will give preference in its purchase and utilization of space to historic structures over other existing structures and over the alternative of new construction. GSA is also required to encourage the public use of such buildings by accommodating commercial, cultural, educational, and recreational uses of them both during and outside regular federal working hours and to provide for handicapped access to them. Address inquiries to Historic Preservation Officer, General Services Administration, Washington, D.C. 20405.

Archaeological Resources Protection Act of 1979 Public Law 96 95

This Act establishes terms and conditions for the granting of permits to excavate or remove archaeological resources on public or Indian land. It provides for the custody and disposition of resources removed and imposes criminal penalties for excavating, removing, or damaging archaeological resources on these lands without a permit, and civil penalties for violating regulations or permits issued under this Act. It directs the Secretary of the Interior to improve cooperation and exchange of information between 1) private individuals with collections of archaeological resources and data, and 2) federal authorities responsible for the protection of archaeological resources on public and Indian land and professional archaeologists. For further information, consult the Interagency Resources Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

National Historic Preservation Act Amendments of 1980 Public Law 96 515

These amendments continue existing National Register programs, require public and local government participation in the nomination process, and prohibit listing of properties if the owner objects. The amendments specifically authorize the National Historic Landmarks program, strengthen the role of state programs, establish statutory authority for existing elements of programs (such as SHPO's, review boards, and public participation), and establish statutory authority for state programs. The amendments require the states and the Department of the Interior to establish mechanisms to certify qualified local governments to participate in nomination and funding programs. Ten percent of historic preservation fund (HPF) money is authorized for preserving threatened National Historic Landmarks, demonstration projects, and training in preservation skills. The amendments authorize \$150 million annually for the HPF program for fiscal years 1982-87 and federally guaranteed market rate loans for preserving National Register properties. They establish statutory responsibilities for federal agencies to manage federally owned historic properties, surveys and nominations, recording of buildings to be lost, appointment of agency preservation officers, leasing of historic federal buildings, and increased sensitivity of federal programs to meeting preservation objectives.

State Of Florida

The Historical Resources Act (Chapter 267, F.S. 1986)

This Act, initially signed into law by the Governor in 1967, contains Florida's primary historic preservation legislation. Citing the necessity to preserve the State's cultural heritage, the law promulgates a series of goals and objectives for State action. It lists the historic preservation responsibilities for each State agency in the Executive Branch, paralleling those in the 1966 National Preservation Act, which apply to federal agencies. The Florida law creates the Division of Historical Resources within the Department of State as the agency responsible for coordinating and overseeing the State's historic preservation activities. The Division is charged under the law with carrying out on behalf of the State the programs established by the National Historic Preservation Act of 1966.

Florida Environmental Land and Water Management Act of 1972 (Chapter 280, F.S. 1986)

This Act established "Areas of Critical State Concern" and requires within such areas a review of the impact of projects upon historic and archaeological sites.

The Florida Coastal Management Act of 1978 (Chapter 380, F.S. 1985)

Environmental impact statements, required under this Act, must address historic resources.

The State Comprehensive Planning Act of 1972 and The State Comprehensive Plan (Chapter 186, F.S. and Chapter 187, F.S.)

These Acts direct the development of a State Comprehensive Plan, create Regional Planning Councils, and set forth requirements for protecting historic resources in State, local, and regional planning efforts.

The Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, F.S. 1986)

This Act requires historic resources to be addressed in the land use, housing, and coastal management elements prepared in conformance with State planning requirements.

Assessments: Part II Special Classes of Property (Chapter 193.441 193.623 F.S.)

This Act provides for a reduction in property taxes through a deferred tax liability for the protection of archaeological and historic sites through development rights transfers.

Conservation Easements (Chapter 704.06(3) F.S.)

This Act provides economic incentives for protecting historic resources through less than fee acquisitions.

Offenses Concerning Dead Bodies and Graves (Chapter 872, F.S. 1985)

Although not a historic preservation law, the provisions of this Act may to prehistoric and historic grave sites.

Preservation of Cemeteries and Burials (Chapter 872.05, F.S. 1987)

Although not originally intended as a preservation law, 872.05, Florida Statutes, 1987, provides penalties for willfully destroying, mutilating, defacing, injuring or removing any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts. Such action is a misdemeanor of the first degree. However, if the damage to such property is greater than \$100 or if any property removed is greater than \$100 in value, then the perpetrator is guilty of a felony of the third degree.

Further, Section 872.05, Florida Statutes provides that any person who knows or has reason to know that an unmarked human burial is being disturbed, destroyed, defaced, mutilated, removed, excavated, or exposed shall immediately notify the local law enforcement agency with jurisdiction in the area where the unmarked human burial is located. When an unmarked human burial is discovered other than during an archaeological excavation authorized by the State or an educational institution, all activity that may disturb the unmarked human burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist.

Section 2: National Register Program

The National Register of Historic Places is an official listing of historically significant sites and properties throughout the country. Maintained by the National Park Service, U.S. Department of Interior, it includes districts, sites, buildings, structures, and objects that have been identified and documented as being significant in American history, architecture, archaeology, engineering, or culture. These sites and properties reflect the prehistoric occupation and historical development of our nation, state and local communities.

Listing in the National Register does not, in itself, impose any obligation on the property owner or restrict the owner's basic right to use or dispose of the property as he or she sees fit. It does, however, encourage the preservation of significant historic resources in three ways:

By providing official recognition of the historic significance of the property and encouraging consideration of its historic value in future development planning;

By imposing limited protection from activities involving funding, licensing, or assistance by federal agencies that could result in damage or loss of its historic values; and

By making the property eligible for federal financial incentives for historic preservation. Redevelopment of a listed property which involves federal funding, licensing, or assistance will be subject to review by the State Historic Preservation Officer and the Advisory Council on Historic Preservation to ensure that adequate and appropriate consideration is given to the preservation of the historic qualities for which it was originally listed. This review requirement will also apply to any federally funded, licensed, or assisted activities undertaken by others that could have an adverse effect on the property.

Federal financial incentives for historic preservation include eligibility for direct matching grants and investment tax credits for the rehabilitation of income producing properties.

Section 3: Private Organizations

National and State

There are numerous private organizations at the national and State levels involved in the historic preservation process. None of these organizations exercise any legal or regulatory responsibility for the protection of historic resources, unless the particular entity actually owns such property or is assigned applicable trusteeship under law. Such organizations nevertheless play a vital role in preserving historic resources by providing useful information or services, making available legal instrumentalities necessary for implementing certain preservation activities (such as facade easements), or even lending financial assistance. The national and State organizations are too numerous to list, but a sampling includes:

National Trust for Historic Preservation:

Chartered by the Congress in 1949, the National Trust is a quasi public organization that provides assistance, advice, and some funding to private organizations for historic preservation activities and serves as the principal national lobbying group for preservation concerns. The National Trust produces educational and informational journals and technical publications. The organization maintains a national headquarters in Washington D.C. and regional field offices.

Florida Trust for Historic Preservation:

Organized in 1979, the Florida Trust is the State equivalent of the National Trust. It provides information and assistance to individuals and organizations, assists the Department of State in fulfilling its historic preservation responsibilities, and currently maintains one historic property. The Florida Trust has initiated a revolving fund and is empowered to serve as a recipient for charitable donations, such as facade easements, that serve historic preservation purposes.

Florida Anthropological Society:

Established in 1948, this non profit organization publishes a quarterly journal devoted to scholarly articles about Florida anthropology. The Society has taken a close interest in the preservation of Florida's archaeological resources.

Florida Archaeological Council:

An organization of professional archaeologists practicing in Florida, the Council can provide information about archaeological sites in Florida as well as the lists of individuals knowledgeable about resources in specific areas.

Florida Historical Society:

The oldest scholarly organization in the State, the Society issues a quarterly publication of scholarly articles and book reviews. The Society also maintains a collection of publications on Florida history at the University of South Florida.

Local

There are many local organizations in Sarasota County involved with every facet of historic preservation. These include:

American Institute of Architects, Gulf Coast Chapter:

This professional organization of local architects is interested in the various design and technical aspects of historic preservation, the architectural development of Sarasota, and preservation planning.

Bispham Wilson Arts and Historic District

To promote the preservation and usage of historic commercial buildings and property in Sarasota, and to depict historic Sarasota in the visual arts of photography and watercolor paintings.

City of Venice Historical Commission

To advise the Mayor and City Council on historic preservation issues, to identify and designate of historic landmarks and archaeological sites, to administer the historic preservation element of the city's comprehensive plan, and to promote an awareness of Venice's past.

City Of Sarasota Historic Preservation Board

To serve the community by promoting public awareness of historic and archaeological resources and the benefits to the community in preserving them.

Crowley Museum and Nature Center

To maintain the Center's lands and properties in an essentially natural state and protect its plant and animal life; and to provide facilities and education programs that will further the understanding of the pioneer period and the natural history of Southwest Florida.

Englewood Genealogical Society of Florida

To promote an interest in genealogy, disseminate genealogical information and instruct its members in the art and practice of genealogical research as well as encourage the acquisition, indexing, preservation and publication of genealogical records with an emphasis on the Englewood area.

Florida Academy of African American Culture

To acquire, distribute, preserve and enjoy African American culture through books, lectures, discussions, travel, organized study and the arts; to elevate the quality of life for African Americans; to develop an appreciation for African American excellence in all areas of artistic and scholarly expression; and to diminish the barriers that separate African Americans from mainstream Americans and other ethnic groups.

Historic Spanish Point, Gulf Coast Heritage Association, Inc.

To preserve, interpret and promote Historic Spanish Point, a 30 acre environmental, archaeological and historic site for the benefit of residents and visitors of Sarasota County.

Historical Society of Sarasota County

To create through lectures, publications, exhibits, tours and other activities a public awareness of Sarasota County's rich historical heritage; and to encourage research, preservation, collection of artifacts and memorabilia pertaining to historic communities, buildings and personages.

John and Mable Ringling Museum of Art

To preserve, develop and enhance the legacy of John and Mable Ringling and to engage and educate a large and diverse audience in: A world renowned collection of art, Ca d'Zan, (the Ringlings' mansion) and its historic contents, Collections documenting the Circus and its history, The historic Aslo Theater, and the historic architecture, courtyard, gardens and grounds overlooking Sarasota Bay.

Lemon Bay Historical Society

To perpetuate the legacy of the past, to honor the pioneer settlers of the Lemon bay area, to work to accumulate historical artifacts, and to establish a historical museum.

Sarasota Alliance for Historic Preservation

To preserve and enhance the livability of our community by leading Sarasota in saving its historic environments.

Sarasota Architectural Foundation

To promote and maintain Sarasota's unique architecture and design, beginning with the Sarasota School of Architecture and beyond.

Sarasota County History Center

To promote an understanding of Sarasota County's heritage and protect its historic resources.

Sarasota County Historical Commission

To advise the Sarasota County Board of Commissioners regarding the identification, evaluation, preservation, protection, development and interpretation of Sarasota County's historical resources.

Sarasota Opera Association

To produce the highest quality professional opera and to increase the public's knowledge and appreciation of opera while operating in a financially sound manner

Suncoast Chapter National Railroad Society

To foster the preservation of sites along the Gulf Coast which relate to the early days of railroading.

Time Sifters Archaeology Society

To preserve Florida's archaeological heritage through education and legislation.

Triangle Inn Association

To promote and sustain the historic landmark called the Triangle Inn which is listed on the National Register of Historic Places and houses the Venice Archives and Area Historical Collection.

Venice Archives and Area Historical Collection

To collect and preserve historical and archaeological material relating to Venice and the communities of Nokomis, Laurel and Osprey whose histories have all been interwoven from 1867 to the present.

Venice Area Historical Society

To create public awareness of the historical heritage of the Venice area and to encourage inquiry and research into its history.

Warm Mineral Springs/Little Salt Springs Archaeological Society

To bring to the attention of the general public and appropriate governmental agencies the need for the preservation of archaeological and historical sites, and to engage in scientific and educational activities to promote awareness of and support for archaeology and related fields.

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