

STORAGE NAME: hb3689z.tu  
DATE: May 8, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
TOURISM  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3689 (PCB TU 98-03)  
**RELATING TO:** Historical Resources  
**SPONSOR(S):** Committee on Tourism, Rep. Barreiro and others  
**COMPANION BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) TOURISM YEAS 10 NAYS 0
- (2)
- (3)
- (4)
- (5)

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I. FINAL ACTION STATUS:

House Bill 3689 became law without the Governor's signature on May 28, 1998, and is now cited as **Chapter 98-266, Laws of Florida.**

II. SUMMARY:

House Bill 3689 was developed as a result of the Tourism Committee's review of the State Government Function/Activity Review and Prioritization Project as it related to the functions and activities of the Division of Historical Resources (division) of the Department of State. Two statutorily required activities were identified for repeal. The review also indicated the need for clarification of the definition of "historic property" or "historic resource" in s. 267.021, F.S., as it related to folklife. The bill amends s. 267.021, F.S., to provide clarity and repeals ss. 267.16(4) and 267.162, F.S.

Section 267.16(4), F.S., is repealed because it requires the Division of Historical Resource to maintain the Florida Folklife Archives which has been renamed the Florida Folklife Collection and is currently housed within the Florida State Archives which is administered by the Division of Library and Information Services of the Department of State.

The second repealed provision, s. 267.162, F.S., creates the Florida Folklife Grant Program within the division. Prior to the enactment of Ch. 96-418, LOF, which terminated or modified various trust funds within the legislative and executive branches, this section pertained only to the creation of the Florida Folklife Trust Fund. In this revision of the law, all trust funds in the division were consolidated under the Historical Resources Operating Trust Fund. The consolidation had no effect on the operation of nor funding of the Florida Folklife Program. The change in s. 267.162, F.S., created a grant program that had not existed in the division and was not requested by the program nor division nor is considered by them to be needed for the operation of the Florida Folklife Program.

House Bill 3689 has no fiscal impact.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Division of Historical Resources (division) of the Department of State has the statutorily required duty and responsibility for the Florida Folklife Programs as delineated in s. 267.16, F.S. These responsibilities include, but are not limited to, such thing as:

- identify, research, interpret, and present Florida folk arts, artists, performers, folklore, traditions, customs, and cultural heritage and make folk cultural resources and folklife projects available throughout the state;
- prepare publications on folklife to disseminate and sponsor workshops, conferences, festivals, lectures and exhibitions;
- enter into contracts and agreements to carry out its duties and to seek and accept gifts, grants, bequests, loans, and endowments consistent with its duties and responsibilities;
- employ a state folklorist; and
- maintain the Florida Folklife Archives.

The last responsibility cited above is no longer reflective of the responsibilities of the division because of changes that have occurred over the last three years. Originally, the Florida Folklife Archives was established in 1976 as a part of the former Bureau of Florida Folklife Programs located in White Springs, Florida. The Archives was created to serve as a repository for research collected in relation to bureau projects and programs. The bureau was closed and its responsibilities and duties assumed by two other bureaus of the division: Historic Preservation and Historic Museums. In the Fall of 1995 the Archives was relocated from White Springs to the Florida State Archives in Tallahassee. With the reorganization of the Florida Folklife Program, the placement of the information in the Florida State Archives helped to provide better public and staff access and to improve the environmental condition and organization of the materials. The Florida Folklife Archives, renamed the Florida Folklife Collection, is housed within the Florida State Archives which is administered by the Division of Library and Information Services of the Department of State. Although staff from the Division of Library and Information Services and the Division of Historical Resources work closely to maintain and develop the Collection, the responsibility for maintaining the Collection is that of the Florida State Archives under the Division of Library and Information Services.

The Division of Historical Resources receives advice and assistance on ways to achieve the goals of the Florida Folklife Programs from the Florida Folklife Council that is established in s. 267.161, F.S.

The final provision of law relating to Florida Folklife Programs is s. 267.162, F.S., which creates the Florida Folklife Grant Program within the division. Prior to the enactment of Ch. 96-418, LOF, which terminated or modified various trust funds within the legislative

and executive branches, this section pertained only to the creation of the Florida Folklife Trust Fund. In this revision of the law, all trust funds in the division were consolidated under the Historical Resources Operating Trust Fund. The consolidation had no effect on the operation of nor funding of the Florida Folklife Programs. The change in s. 267.162, F.S., created a grant program that had never existed in the division and was not requested by the program nor division nor is considered by them to be needed for the operation of the Florida Folklife Programs.

**B. EFFECT OF PROPOSED CHANGES:**

The bill repeals the obsolete statutory requirement for the Division of Historical Resources to be responsible for the maintenance of the Florida Folklife Archives. The Archives, now called the Florida Folklife Collection, is housed in the Florida State Archives under the Division of Library and Information Services.

The bill also repeals s. 267.162, F.S., which created a Florida Folklife Grant Program when the section that had been the Florida Folklife Trust Fund had been amended in 1996 to repeal the Trust Fund. This deletes a requirement that created a grant program that had not existed in the division and was not requested by the program nor division nor is considered by them to be needed for the operation of the Florida Folklife Program.

Finally, the bill amends the definition of "historic resource" or "historic property" to clarify that a folklife resource is in fact a historic resource.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

None. Although the statutory requirement for the creation of the Florida Folklife Grant Program in the Division of Historical Resources is repealed, the division has never had a separate grant program for this area. The process for and the level of funding for Florida folklife programs is not altered by the repeal. These are provided in other sections in Chapter 267, F.S., as well as through the appropriations act.

The repeal of s. 267.16(4), F.S., relating to the Florida Folklife Archives, removes the statutory responsibility for the Division of Historical Resources to maintain a separate archive. The responsibility was, in fact, shifted to the State Archives in 1995 which is the responsibility of the Division of Library and Information Services under the Department of State.

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 267.021, 267.16, and 267.162, F.S.

E. SECTION-BY-SECTION RESEARCH:

**Section 1.** Amends s. 267.021, F.S., to clarify that a “folklife resource” is to be considered a “historic resource” or “historic property.”

**Section 2.** Repeals s. 267.16(4), F.S., relating to the Florida Folklife Archives, and s. 267.162, F.S., relating to the Florida Folklife Grant Program.

**Section 3.** Provides that this act will take effect upon becoming law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Tourism Committee unanimously passed PCB TU 98-03 on February 3, 1998, for introduction as a Committee Bill. On February 17, 1998, House Bill 3689 was prefiled, on March 3, 1998, it was introduced and on March 5, 1998, it was referred to the Economic Impact Council for ranking. House Bill 3689 was placed on the Economic Impact Council, read a second and third time, and passed by the House on March 24, March 31, and April 1, 1998, respectively. The bill passed the House by a vote of 114 YEAS to 0 NAYS. The Senate referred the bill to the Governmental Reform and Oversight Committee on April 9, 1998. The Committee voted the bill as favorable on April 15, 1998, and reported it out on April 20, 1998. The bill was placed on the Senate Calendar on April 21, 1998, and on Senate Special Order Calendar on April 28, 29, 30, and 31, 1998 and May 1, 1998. On May 1, 1998, HB 3689 was passed by the Senate by a vote of 37 YEAS to 0 NAYS and was ordered enrolled by the House. House Bill 3689 became law without the Governor's signature on May 28, 1998, and is now cited as **Chapter 98-266, Laws of Florida.**

VIII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Legislative Research Director:

Judy C. McDonald

Judy C. McDonald



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**DATE:** May 8, 1998

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**FINAL RESEARCH PREPARED BY COMMITTEE ON TOURISM:**

Prepared by:

Legislative Research Director:

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