

STORAGE NAME: h0191S1.go

DATE: February 1, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: CS/HB 191

RELATING TO: Naming of State Buildings

SPONSOR(S): Committee on Governmental Operations and Representative Lawson

COMPANION BILL(S): None

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

(1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0

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I. SUMMARY:

Florida statutes prohibit the naming of certain state edifices or facilities after any living person, ***except as specifically provided by law.***

The Florida Legislature has frequently exercised its prerogative to name buildings, highways, and other facilities after living persons.

This bill provides a specific type of person, the "elected public official who is in office", to be highlighted, and added to s. 267.062, F.S., which prohibits the naming of certain state facilities for "any living person".

This bill also requires that written notice be provided to the Board of County Commissioners in the county affected by such naming for any living person. It further requires that a true copy of the notice be attached to the naming bill when introduced, and accompany the bill throughout the Legislature. The fact that notice was made will be recited in the journals of the Senate and House of Representatives.

Proponents of this bill believe that these special conditions attached to the naming of state facilities for living persons will cause pause prior to such namings. It gives those who would propose a naming, and the legislature as a whole, the opportunity to evaluate the potential for embarrassment prior to moving forward, and limit spur-of-the-moment naming legislation.

Similarly, proponents believe that specifically identifying "elected officials who are in office", along with the more general "any living person", will have a sobering effect on those who would propose the naming of a state facility after such a living, office-holding official.

This bill has no fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 267.062, F.S., provides that, except as specifically provided by law, no state building, road, bridge, park, recreational complex, or other similar facility shall be named for any living person.

In almost every session of the Florida Legislature, namings occur, and many of the namings are for living persons. Generally, however, state facilities are named after persons whose contributions to the state have been significant.

B. EFFECT OF PROPOSED CHANGES:

This bill provides that "elected public official(s) who (are) in office", a specific class of living persons, may not have certain state facilities to be named for them, except as specifically provided by law. This bill adds to the general language in s. 267.062, F.S., this class of persons to the general prohibition of naming certain facilities after "any living person".

This bill also requires that written notice be made to the Board of County Commissioners of a county which will be affected by the naming of a state building, road, bridge, park, recreational complex, or other similar facility not later than 3 weeks prior to obtaining legislation for such a naming.

Further, this bill requires that a true copy of the notice made to such Boards of County Commissioners shall be attached to the naming bill when introduced, and remain with the bill throughout the Legislature. The fact that such notice was established shall be recited upon the journals of both the Senate, and House of Representatives, and preserved as part, thereof, in the Department of State.

Inasmuch as the clause "(e)xcept as specifically provided by law" remains in the section, there would not seem to be any legal deterrence to a legislature which elects to name such facilities after living persons. In fact, one legislature may not bind another legislature anyway.

Since this bill cannot actually prohibit namings, it does not represent a challenge to the First Amendment of the Constitution of the United States protecting free speech.

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:

Not applicable

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

N/A

(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?

No.

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

No.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

Not applicable.

- 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:

Amends s. 267.062, F.S.

E. SECTION-BY-SECTION ANALYSIS:

See II B., EFFECTS OF PROPOSED CHANGES.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

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D. FISCAL COMMENTS:

None.

IV. 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 spend funds, or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

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

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

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its meeting on Feb 1, 1999, the Committee on Governmental Operations adopted one amendment.

The amendment provides that written notice be provided to the Board of County Commissioners in the county affected by a naming, and that the notice be provided not later than 3 weeks prior to obtaining naming legislation.

The amendment also requires that "a true copy" of the notice delivered shall be attached to the bill when introduced. The notice will accompany the bill throughout the Legislature, and the fact of the notice will be recited "upon the journals of the Senate and of the House of Representatives".

The bill, as amended, was reported favorably as a committee substitute (4 yeas; 0 nays).

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VII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

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