

STORAGE NAME: h0675.brc

DATE: March 4, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
ANALYSIS**

BILL #: HB 675

RELATING TO: Historical Resources

SPONSOR(S): Representative Russell and others

COMPANION BILL(S):

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

- (1) TOURISM YEAS 9 NAYS 0
- (2) BUSINESS REGULATION AND CONSUMER AFFAIRS
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

House Bill 675 provides for the deposit of revenues received from sales of publications by the Division of Historical Resources, Department of State, in either the operating trust fund of the division or in a separate depository account of a statutorily approved citizen support organization (CSO). The use of the separate depository account is subject to a letter of agreement between the division and the CSO. All other administrative procedures concerning the sale of publications remain the same.

Upon the renewal of the Division of Historical Resources' annual agreement with its CSO, the office of the Inspector General and the Division of Administrative Services within the Department of State recommended the inclusion in law of certain authority for the division's customary deposit of checks into an account held by the Florida Trust for Historical Preservation. Although there are other statutory provisions, as indicated above, that provide for the actions of the division, the department's requested change is to remove any audit questions that might arise by specifically codifying practice.

The change codifies existing practice. There is no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

One of the statutorily required duties of the Division of Historical Resources (division) of the Department of State pertains to publications relating to Florida history. Section 267.081, F.S., states that the division is to do the following:

- promote and encourage the writing of Florida history;
- collect, edit, publish, and print pamphlets, papers, manuscripts, documents, books, monographs, and other materials relating to Florida history (a reasonable fee may be charged by the division for these publications); and,
- cooperate with and coordinate research and publication activities of other agencies, organizations, historical commissions and societies, corporations, and individuals, which relate to historical matters.

The Division of Historical Resources currently has three publications: Florida Heritage magazine, Black Heritage Trail, and Cuban Heritage Trail.

Section 267.17, F.S., states that the division may support the establishment of citizen support organizations (CSOs) "to provide assistance, funding, and promotional support for the archaeology, museum, folklife, and historic preservation programs of the division." One of the responsibilities of a CSO is to "...make expenditures to or for the direct or indirect benefit of the division or individual program units of the division." The CSO must be approved in writing by the division to operate for the direct or indirect benefit of the division and the approval is to be in the form of a letter of agreement from the division.

Founded in May 1978 to promote the recognition and protection of historically significant Florida properties, the Florida Trust for Historic Preservation has served as a citizen support organization for the division since 1992. As a CSO, the Florida Trust and the division work on a number of projects jointly. The mission of the Florida Trust includes property stewardship, educational programs for historic preservation, and advocacy for preservation issues.

Revenues generated from subscriptions, advertising, reprints and bulk sales of the division's publication, the Florida Heritage magazine, and two of its special publications, Black Heritage Trail and Cuban Heritage Trail, are deposited by the Florida Trust into an account out of which magazine and publication expenses are paid. The three publications generate approximately \$139,000 annually. The Florida Trust manages the account, pays publication expenses out of the account, and pays for the cost of an annual audit. The Florida Trust also provides monthly, quarterly, and annual financial reports. According to the division, the benefits of the division/Florida Trust partnership regarding the publications are as follows:

- provides accounting and auditing services by an outside entity, relieving the burden from state budgeting and financial personnel;
- reduces turnaround time and numbers of personnel involved in processing deposits and payments (ex: printing orders are processed in two or three days versus two to three weeks);
- eliminates surcharge for deposits into Operating Trust Fund;
- provides greater opportunity to take advantage of quick-payment discounts offered by printers which can range from 10 to 20 percent for payment within five days; and
- avoids administrative or bank charges since there are none with this partnership.

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B. EFFECT OF PROPOSED CHANGES:

House Bill 675 amends s. 267.081, F.S., to provide for the deposit of revenues received from sales of publications by the Division of Historical Resources in either the operating trust fund of the division or in a separate depository account of a statutorily approved citizen support organization under s. 267.17, F.S. The use of the separate depository account is subject to a letter of agreement between the division and the CSO. All other administrative procedures concerning the sale of publications remain the same.

The change codifies existing practice.

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?

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?

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?

No.

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

No.

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:

s. 267.081, F.S.

E. SECTION-BY-SECTION ANALYSIS:

This section is not required. See Effect 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:

N/A

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

D. FISCAL COMMENTS:

House Bill 675 codifies current practice regarding publications. The bill provides for the deposit of revenues received from sales of publications by the Division of Historical Resources in either the operating trust fund of the division or in a separate depository account of a statutorily approved citizen support organization. All other administrative procedures concerning the sale of publications remain the same.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require the 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 municipalities or counties have to raise revenue 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:

N/A

VII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Staff Director:

Judy C. McDonald

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AS REVISED BY THE COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

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