

STORAGE NAME: h1419z.tu.doc
DATE: June 11, 2001

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2001-199, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
TOURISM
FINAL ANALYSIS**

BILL #: HB 1419, 1st ENG (PCB TU 01)
RELATING TO: Historic Preservation
SPONSOR(S): Committee on Tourism; Representative Trovillion, Maygarden and others
TIED BILL(S): None

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

- (1) TOURISM YEAS 6 NAYS 0
- (2) STATE ADMINISTRATION YEAS 4 NAYS 0
- (3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS YEAS 14 NAYS 0
- (4) COUNCIL FOR SMARTER GOVERNMENT YEAS 10 NAYS 0
- (5)

I. SUMMARY:

The bill amends Chapter 267, F.S., relating to historical resources, to accomplish the following:

- Combine Florida National Register Review Board and Historic Preservation Advisory Council into a new advisory body, the Florida Historical Commission; reduce membership; provide member selection by Governor, Senate President, and Speaker; specify Commission duties to be similar to combined entities with the exception of review of certain grants, and require Commission to serve as historic preservation advisory body for Senate and House of Representatives.
- Provide for establishment and use of grant review panels to assist in review of museum grants and non-special category historic preservation grants-in-aid.
- Define special category grants-in-aid and require review by Florida Historical Commission.
- Reorganize chapter to make it easier to locate provisions relating to: powers and duties of the Division of Historical Resources (division); historical museum grants; Great Floridians Program; State Historical Marker Program; State Historical Marker Council (reduced membership); and, objects of historical or archaeological value.
- Bring law into compliance with National Historic Preservation Act of 1966, as amended.
- Authorize division to exercise right of trademark and service mark for two publication titles.
- Amend s. 267.13, F.S., to redefine the restitution the court may order for certain actions relating to archaeological sites or specimens.
- Add public policy statements regarding archaeological sites and objects of antiquity.
- Effective July 1, 2001, require contract with University of West Florida (UWF) for management of state-owned properties managed by the Historic Pensacola Preservation Board of Trustees (HPPB); transfer records, personnel, certain property, and appropriations, allocations and other funds to UWF; provide powers and duties associated with transfer; provide certain bid and surplus property exemptions; provide eligibility for matching state funds; authorize Department of State to contract with UWF to be a regional office.
- Effective July 1, 2001, transfer HPPB direct-support organization (DSO) to serve as University of West Florida DSO to assist in historic preservation activities and historic preservation education initiatives; provide for expanded membership; delineate responsibilities.

The bill repeals or transfers all sections of Chapter 266, F.S., relating to historic preservation boards.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Department of State – Historic Preservation Duties & Responsibilities

Under Chapters 266 and 267, F.S., the duties and responsibilities of the Department of State in the area of historical preservation are delineated. Chapter 266, F.S., pertains to the historic preservation boards and the department's role with the boards. The primary chapter of law in which all aspects of the state's responsibilities in historic preservation are contained is Chapter 267, F.S. Specifically, these are directed to the Division of Historical Resources of the department to carry out on behalf of the state.

Not only are Florida's historic preservation initiatives governed by state law but also by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470). The federal law sets forth the requirements for state historic preservation programs, both structure and responsibilities. It also provides for both direct grants and for matching grants to the states with funds appropriated annually by Congress. A state historic preservation program must be approved by the Secretary of the Interior. One requirement of the program is the designation of a State Historic Preservation Officer by the Governor to administer the programs for the state. Another is the requirement for a state historic preservation review board and for citizen input into the state's historic preservation efforts (Florida's *National Register Review Board* and the state's *Historic Preservation Advisory Council*). Additionally, the responsibilities of the State Historic Preservation Officer are delineated in the federal law as well as the requirement for a comprehensive statewide historic preservation plan. The requirements of the federal law and the means to address those requirements are found throughout Chapter 267, F.S.

Chapter 267, F.S., sets forth the state policy for historic preservation, addresses the requirements of the federal law, and charges the Division of Historical Resources with encouraging the identification, evaluation, protection, preservation, collection, conservation and interpretation of and public access to information about Florida's historic sites, properties and objects related to Florida history and to archaeological and folk cultural heritage. The division is required to administer public information programs, the statewide historic preservation plan, the operation of historic sites and properties, and state and federal grants for historic preservation. Additionally, the law requires the maintenance and operation of Florida's state historic museums, the administration of museum grants, promotion of various archaeological research and preservation programs, including a historic marker program.

There are several statutorily required advisory councils appointed by the Secretary of State: *Historic Preservation Advisory Council*, *State Historical Marker Council*, *Florida Folklife Council*, and *Grove Advisory Council*. Although not statutorily required, the Secretary appoints an *Ad Hoc Historic Museum Grants Advisory Committee* to assist in the statutory museum grants responsibilities.

Current Statutory Structure of Chapter 267, F.S.

The current law is not consistent in places with the National Historic Preservation Act. Additionally, as structured, the law combines multiple topics (programs, grants, councils, etc.) under one section with no readily identifiable break between areas making it difficult to locate needed information.

Department of State: Historic Preservation Boards and Regional Offices

Prior to 1997, Chapter 266, F.S., authorized Historic Preservation Boards in St. Augustine, Tallahassee, Palm Beach County, Tampa-Hillsborough, the Florida Keys, Broward County, and Pensacola, along with their respective direct-support organizations. In 1997, all but the Pensacola board were repealed. The state properties in the Florida Keys and Tallahassee were to be managed under contract between the Department of State and private not-for-profit organizations. The department entered into a contract with the City of St. Augustine to manage the properties in that area. The Broward County board had been nonexistent for several years. The Department of State was directed to establish regional offices with expanded jurisdictions in which to provide historic preservation services in the areas of Palm Beach County, Tampa-Hillsborough County, and St. Augustine. Authority was given for the establishment of other regional offices, if needed.

Chapter 2000-258, Laws of Florida, required the Division of Historical Resources of the Department of State and the Historic Pensacola Preservation Board of Trustees (board), in conjunction with representatives from West Florida counties, municipalities, and postsecondary educational institutions, to develop a regionally based plan for the protection, preservation, restoration, and promotion of sites, objects, and landmarks of historical significance to West Florida and the state. Among other things, the plan was required to address the needs of the area, recommendations concerning long-term management of resources under the board, and recommended statutory changes and budgetary considerations. The plan was presented to the President of the Senate and the Speaker of the House of Representatives on February 1, 2001.

Historic Pensacola Preservation Board of Trustees and Direct-Support Organization (Historic Pensacola, Inc.)

Part II of Chapter 266, F.S., creates the Historic Pensacola Preservation Board of Trustees (board) within the Department of State (department). The department monitors the effectiveness of all programs of the board and oversees the board to ensure that it complies with state laws and rules. The board is the governing body in the Pensacola and Escambia County area for historic properties and is delegated powers by the department. The purposes and functions of the 7-member board include the following:

- restoring, preserving, maintaining, reconstructing, reproducing, and operating for the use, benefit, education, recreation, enjoyment, and general welfare of the people of this state and nation certain ancient or historic landmarks, sites, buildings, etc., and other objects of historical or antiquarian interest of the City of Pensacola and Escambia County; and
- researching, preparing, publishing, and procuring for the use and benefit of the general public books, reports, articles, pamphlets, brochures, documents, maps, photographs, films, sound recordings, etc., in furtherance of the protection and preservation of and the dissemination of information about historic sites and properties, persons, places, events, objects, etc., pertaining to Florida history to be used by the board or made available by the board for others.

The board manages 25 state-owned properties in Pensacola and Escambia County.

Section 266.0016, F.S., delineates some of the powers delegated to the board by the department. These include hiring a manager and staff; adopting a seal; contracting authority, including making and entering into all contracts necessary to perform its duties; establishing a process for suing and being sued; establishing an office in or near Pensacola; acquiring, holding, leasing, and disposing of personal property; planning buildings and improvements, demolishing existing structures, and constructing, reconstructing, altering, repairing, and improving its facilities; contracting with consultants; drafting a historical plan of development for the City of Pensacola and Escambia County; cooperating and coordinating all its activities with any statewide commission and participating in any overall statewide plan of historic development; cooperating with national projects of historical development; and, researching, preparing publishing and procuring materials to meet its second purpose stated above. Other delegated powers described relate to:

- engaging in any lawful business or activity to establish, maintain, and operate the facilities under the board, such as selling craft products and merchandise relating to historical and antiquarian Pensacola and surrounding territory, and rental or leasing of property;
- fixing and collecting charges for admission to facilities owned and maintained by the board;
- authorizing the Board of Trustees to enter into agreements to accept credit card payments as compensation, establish accounts in credit card banks for the deposit of credit card sales invoices; and,
- permitting the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.

Section 266.0018, F.S., provides that the board may authorize a direct-support organization (DSO) to assist the board in carrying out its purposes by raising money; submitting requests for and receiving grants from the Federal Government, the state or its political subdivisions, private foundations, and individuals; receiving, holding, investing, and administering property; and making expenditures to or for the benefit of the board. The sole purpose of the DSO is to support the board. Moneys may be held in a separate depository account in the name of the DSO and subject to the provisions of the contract with the board. These moneys include such things as membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the DSO. Moneys received from admissions to and rentals of facilities and properties managed by the board are deposited by the DSO into an account. The DSO is required by s. 266.0018(7), F.S., to provide for board review and approval an annual financial and compliance audit of its financial accounts and records prepared by an independent certified public accountant in accordance with board rules. Upon approval, the board is to certify the audit to the Auditor General for review.

The DSO, incorporated as Historic Pensacola, Inc., owns property, has its own accounts, and has entered into contracts and grant agreements. Staff support for the DSO is provided by the board.

C. EFFECT OF PROPOSED CHANGES:

The bill amends Chapter 267, F.S., relating to the state's and Department of State's role and responsibilities in the area of historic preservation, to accomplish the following: provide greater clarity and readability of the law by reorganizing the chapter to place related provisions together in one section, to place distinct programs in separate, easily identifiable sections of law, and to clarify responsibilities for grant review; correct discrepancies between the law and the National Historic Preservation Act of 1966, as amended; consolidate the Historic Preservation Advisory Council and the Florida National Register Review Board, which are appointed by the Secretary of State, into a

newly created Florida Historical Commission with a much smaller membership (21 to 11) that is appointed by the Governor, President of the Senate and Speaker of the House of Representatives, and which has very specific advisory responsibilities in the chapter which reduce or eliminate the need for various other advisory entities; permit the use of grant review panels, chaired by a member of the commission, to assist in application review and recommendation for museum grants and non-special category historic preservation grants-in aid in order to maximize the expertise of individuals and to better utilize the time of the commission; and, authorize the exercise of trademark and service mark for two publication titles. The commission members appointed by the Speaker and the President are to serve as the legislative historic preservation advisory body for the Speaker and President regarding the collection and preservation of the historic records of both houses of the Legislature. Additionally in the changes to Chapter 267, F.S., the bill addresses protection and preservation of archaeological sites and objects of antiquity in two ways. First, it strengthens public policy statements regarding such protection and preservation. In response to problems regarding the damaging or robbing of such sites and objects, the bill changes the value elements that a court is to consider when ordering restitution and defines the value components to be considered. Finally, ss. 607.1901(2)(h) and 872.05(2)(e), F.S., are amended to correct cross-references to Chapter 267, F.S. All of these changes take effect January 1, 2002.

Effective July 1, 2001, the bill repeals all language relating to historic preservation boards in Chapter 266, F.S., with the exception of s. 266.0018, F.S., relating to the direct-support organization for the Historic Pensacola Preservation Board of Trustees, which is amended, transferred, and renumbered as s. 267.1732, F.S. The direct-support organization, as amended, serves the University of West Florida in its historic preservation efforts and initiatives part of which is the management of state-owned properties previously managed by the Historic Pensacola Preservation Board of Trustees. Effective July 1, 2001, Chapter 267, F.S., is amended to require the Department of State to contract with the University of West Florida for the management of the state-owned properties managed by the Historic Pensacola Preservation Board of Trustees prior to July 1, 2001 and authorizes contracting with the university to serve as a regional office for West Florida. Goals for contracting with the university, use of proceeds derived from those properties, and transfers of property, funds, records, and personnel for the purpose of advancing historic preservation are provided. Both broad and specific powers and duties of the university and its direct-support organization are delineated. Specific exemptions from ss. 273.055 (surplus property) and 287.057 (competitive bid), F.S., are given to the university for historic preservation purposes. Language is added stating that the university and its direct-support organization are eligible to match state funds in the Trust Fund for Major Gifts under s. 240.2605, F.S.

Finally, the bill preserves the validity of any judicial or administrative action pending as of July 1, 2001, and provides that the Department of State shall be substituted for the Historic Pensacola Preservation Board of Trustees as the party of interest on that date.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Effective July 1, 2001, repeals Part I of Chapter 266, F.S., relating to historic preservation boards and the relationship of the Department of State to those boards.

Section 2. Effective July 1, 2001, repeals all of Part II of Chapter 266, F.S., relating to the Historic Pensacola Preservation Board of Trustees; however, it does not repeal s. 266.0018, F.S., relating to the direct-support organization for the board. That section is transferred, amended and renumbered by section 18 of the bill. The direct-support organization becomes the direct-support organization for the University of West Florida under that section.

Section 3. Amends s. 267.031, F.S., to consolidate in one section many of the broad division responsibilities and powers. The new subsection (5) is actually s. 267.061(3)(a) – (l), (n)3., and (o), F.S., with only minor changes to conform to federal law or to correct cross-references. The new subsection (6), relating to the State Archaeologist, is identical to s. 267.061(4), F.S. The new subsection (7), relating to the State Historic Preservation Officer, is similar to s. 267.061(5), F.S., with changes to conform to federal requirements for designation by the Governor, qualifications, and responsibilities.

Section 4. Amends s. 267.061, F.S., to repeal subsections (3), (4), and (5) that are now contained in other sections in the bill. Also amends subsection (2) to correct a cross-reference and subsection (3) to reflect federal requirements.

Section 5. Substantially amends s. 267.0612, F.S., to remove from law the 12-member Historical Preservation Advisory Council (council) and replace it with the Florida Historical Commission. The commission combines the roles and responsibilities of two existing bodies: the Historical Preservation Advisory Council and Florida's National Register Review Board (9 members). At its outset the commission will include the members of each body; however, as terms of membership expire the commission will be reduced to an 11-member body. Any new members to the commission are to be appointed by the Governor, President of the Senate, and Speaker of the House of Representatives. The criteria for membership, some of which is required to meet the federal requirements of the National Historic Preservation Act of 1966, as amended, and the method for appointment are dictated in the section. The commission is to be chaired by one of its members selected by the Governor as the presiding officer. The commission is to meet at the call of the presiding officer or Secretary of State but not less than quarterly. Members of the commission, like current members of the existing bodies, are entitled only to reimbursement for expenses. As currently required for the council, the Division of Historical Resources staffs the commission and the division director or designee serves as a nonvoting member and as secretary. Responsibilities of the commission provided in subsections (6) and (7) are the same as the current requirements for the council with the following exceptions: the review by the entire commission of historic preservation grants-in-aid is limited to "special category" grants; instead of preparing rules relating to historic preservation, it recommends rules; and it is given a broad directive to provide assistance to the division as required by the chapter in other sections. The commission members appointed by the Speaker and the President are to serve as the legislative historic preservation advisory body for the Speaker and President regarding the collection and preservation of the historic records of both houses of the Legislature. Finally, subsection (8) provides a mechanism to ensure that there are always five members who are able to fulfill the federal requirements to function as Florida's National Register Review Board.

Section 6. Amends subsections (3) and (5) of s. 267.0617, F.S., relating to the historic preservation grant program, to change the name of the Historic Preservation Advisory Council to the Florida Historical Commission and to delete confusing language regarding the awarding of grants. More importantly, the changes in those subsections delineate that the commission will as a body review special category historic preservation grants-in-aid, define these grants, and provide for the use of grant review panels for the review and recommendation of applications for other historic preservation grants-in-aid.

Section 7. Amends s. 267.062, F.S., to require the Division of Historical Resources to consult with the Florida Historical Commission rather than citizens' committees prior to recommending the naming of state buildings and other facilities.

Section 8. Renumbers s. 267.072(2), F.S., relating to historical museums, as s. 267.0619, F.S., and amends the section to conform to formatting changes and to require that the review of grants is

now to be done by grant review panels appointed by the Secretary of State and chaired by a member of the Florida Historical Commission. The grant review panel is to submit recommendations in priority order to the Secretary of State. The grant review panel takes the place of the Ad Hoc Museum Grant Advisory Council.

Section 9. Amends s. 267.072(1), F.S., relating to Museum of Florida History programs, by making minor formatting and clarification changes.

Section 10. Renumbers s. 267.072(1)(d), F.S., relating to the Great Floridians Program, as s. 267.073, F.S., and amends the section. The language of the section is identical to the current s. 267.072(1)(d), F.S., the only changes made are in formatting the language from a provision in a section into a distinct section of law and in correcting one cross-reference.

Section 11. Creates s. 267.074, F.S., relating to the State Historical Marker Program. With the exception of formatting changes, the language in the new section is the same as that contained in the current s. 267.061(3)(n)1., 2., 4., 5., 6., 8., 9., 10., 11., and 12., F.S. The provisions are reordered to assist in the ability to understand the provisions.

Section 12. Creates s. 267.0743, F.S., relating to the State Historical Marker Council. With the exception of the reduction in the size of the council from 5 members to 3 members, the language is the same as that contained in the current s. 267.061(3)(n)7., F.S.

Section 13. Amends s. 267.081, F.S., to permit the Division of Historical Resources to exercise the right of trademark and service mark over the terms "Florida History & the Arts" or "Florida History and the Arts" pursuant to s. 286.031, F.S.

Section 14. Creates s. 267.115, F.S., relating to the acquisition, maintenance, preservation, interpretation, exhibition, and study of objects of historical or archaeological value. With the exception of language changes because of reformatting to a section, the language contained in s. 267.115, F.S., is the same as that in the current s. 267.061(3)(m), F.S.

Section 15. Amends s. 267.13, F.S., changing the value elements that a court is to consider when ordering restitution for a defendant who attempts to remove or removes, or defaces, destroys, or otherwise alters any archaeological site or specimen located upon any land owned or controlled by the state or within the boundaries of a designated state archaeological landmark or landmark zone, except under certain permits or agreements with the Division of Historical Resources. Subsection (4) is added to the section to provide a definition of the components to be considered in the restitution decision.

Section 16. Amends s. 267.14, F.S., to amend the legislative intent provisions to state that it is the public policy of the state to protect and preserve archaeological sites and objects of antiquity.

Section 17. Effective July 1, 2001, creates s. 267.173, F.S., to require the Department of State to contract with the University of West Florida for the management of the state-owned properties managed by the Historic Pensacola Preservation Board of Trustees prior to July 1, 2001. Goals for contracting with the university are delineated. The university is required to use the proceeds derived from those properties for the purpose of advancing historic preservation.

Subsection (3) allows for the transfer of ownership and responsibilities for certain property and requires the transfer of other property, funds, records, and personnel to the university. The subsection also requires that the transfer of segregated funds be made in such a way that the relation between program and revenue source is retained pursuant to law.

Subsection (4) provides for both broad and specific powers and duties of the university. Included in those is the contracting with the direct-support organization in s. 267.1732, F.S., to assist the university in carrying out its historic preservation and historic preservation education responsibilities. Although not all inclusive of its duties and responsibilities, those listed in the subsection are like those provided for the Historic Pensacola Preservation Board of Trustees.

Subsection (5) states that the Division of Historical Resources may contract with the university to serve as a regional office for the West Florida region of the state from the Apalachicola River to the western boundary of the state. The university can use one of its direct-support organizations rather than having the Secretary of State appoint a citizens support organization for this contracted function.

Subsection (6) provides for an exemption from the competitive bid requirements when the protection or preservation of historic properties is involved. This is similar to the exemption used by the Department of State for historic properties.

Subsection (7) exempts the university from the surplus property requirements under certain circumstances. This is like that provided to the Department of State with regard to historic properties and artifacts.

Subsection (8) provides that the university and its direct-support organization are eligible to match state funds in the Trust Fund for Major Gifts under s. 240.2605, F.S.

Section 18. Effective July 1, 2001, s. 266.0018, F.S., is amended, transferred and renumbered as s. 267.1732, F.S. This transfers body of law regarding the direct-support organization (DSO) that had served the Historic Pensacola Preservation Board of Trustees to a new section that authorizes it to serve the University of West Florida in meeting its historic preservation and historic preservation education purposes and responsibilities. The contract requirements are the same as they were for the board with changes made to accommodate the change to the university. The requirements for organization of the DSO are the same with the exception of the membership of the board of directors. Provision is made for continuation of the current board of directors until their terms expire with new members being appointed by the president of the university. The president of the university can also appoint additional members to the board and also serves, or designates someone to serve in his or her stead, on the board. The requirement for rules is changed to reflect language contained in s. 240.299, F.S., which requires the establishment of policies and permits the adoption of rules. Language clarifying the audit requirements and the parties receiving information is included in subsection (7). Finally, the section provides a crosswalk to requirements for university DSOs covered in s. 240.299, F.S.

Section 19. Preserves the validity of any judicial or administrative action pending as of July 1, 2001, and provides that the Department of State shall be substituted for the Historic Pensacola Preservation Board of Trustees as the party of interest on that date.

Section 20. Amends s. 607.1901(2)(h), F.S., to correct a cross-reference.

Section 21. Amends s. 872.05(2)(e), F.S., to correct a cross-reference.

Section 22. Provides that the bill will take effect January 1, 2002, except as otherwise provided in the bill.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

2000-01

2000-02

Division of Historical Resources

(Reduction related to Florida Historical Commission)

Operating Trust Fund

Expenses

(\$7,100)

Historic Pensacola Preservation Board

(Transfer to University of West Florida; contract with Department of State for management of properties)

General Revenue

Salaries and Benefits

\$ 507,029

Expenses

21,447

OPS

53,304

Risk Management

64,338

TOTAL GENERAL REVENUE

\$ 646,118

Number of FTE: 14

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The bill requires the transfer of all records, personnel, property (other than real property held under lease by the Department of State from the Board of Trustees of the Internal Improvement Fund), and unexpended balances of appropriations, allocations, or other funds of the Historic Pensacola Preservation Board to the University of West Florida.

The fiscal amounts noted above are assuming that the amount for the Historical Pensacola Preservation Board of Trustees is the amount that will be transferred to the University of West Florida. The General Revenue impact for operations for FY 2001-2002 is \$646,118 which includes \$64,338 in risk management, \$507,029 in salaries and benefits, \$21,447 in expenses, and \$53,304 in OPS. The money, although reduced from the Department of State's budget, is needed for the properties to be managed via contract between the Department of State and the University of West Florida. According to the Department of State, the Florida Historical Commission will result in a reduction of \$7,100 in expense money required for FY 2001-2002 from the Operating Trust Fund.

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 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 or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill provides that the University of West Florida shall adopt policies and may adopt rules regarding the direct-support organization in s. 267.1732, F.S.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

House Bill 1419 (PCB TU 01-01) was reported favorably for introduction by the Committee on Tourism on March 7, 2001 by a unanimous vote of the Committee. The bill was filed in the House of Representatives on March 15, 2001, introduced on March 19, 2001, and referred to the Committees on State Administration and Transportation & Economic Development Appropriations and the Council for Smarter Government on March 26, 2001.

On April 3, 2001, the Committee on State Administration heard HB 1419 and adopted one amendment. This amendment required the members of the Florida Historical Commission to serve as the legislative historic preservation advisory body to the Speaker of the House and the President of the Senate with respect to the collection and preservation of the historic records of both houses of the Legislature. The

bill, as amended, was reported favorably by a unanimous vote of the Committee. The Committee on Transportation & Economic Development Appropriations unanimously passed the bill as favorable on April 4, 2001. The Council for Smarter Government unanimously passed the bill as favorable on April 17, 2001.

House Bill 1419 was placed on the House Calendar on April 24, 2001 and on the House Special Order Calendar on April 25 and April 26, 2001. On April 26, 2001, the bill was read a second time, had the traveling committee amendment adopted, was read a third time, and was passed by the House by a vote of 114 Yeas to 0 Nays.

HB 1419, 1st ENG, was in House Messages in the Senate on April 27, 2001 and was referred to the following Senate committees on April 30, 2001: Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations. On May 3, 2001, the bill was withdrawn from its committees of reference, substituted for its Senate companion measure, SB 2124, and read a second time. The bill was read a third time on May 4, 2001 and then passed by the Senate by a vote of 40 Yeas to 0 Nays. The House ordered the bill enrolled the same day.

HB 1419, 1st ENG, was approved by the Governor on June 8, 2001 and now is cited as Chapter 2001-199, Laws of Florida.

Senate Bill 2114 by Senator Clary, the Senate companion measure to HB 1419, was filed in the Senate on March 6, 2001 and referred to the following Senate committees on March 27, 2001: Governmental Oversight and Productivity; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On April 10, 2001, the Governmental Oversight and Productivity Committee heard SB 2414 and adopted one amendment. This amendment required the members of the Florida Historical Commission to serve as the legislative historic preservation advisory body to the Speaker of the House and the President of the Senate with respect to the collection and preservation of the historic records of both houses of the Legislature. The bill, as amended, was reported favorably by a unanimous vote of the Committee. The Comprehensive Planning, Local and Military Affairs Committee unanimously passed the bill as favorable on April 23, 2001. On April 30, 2001, the bill was withdrawn from its remaining committees of reference and placed on the Senate Calendar.

On May 3, 2001, SB 2114 was placed on the Senate Special Order Calendar, read a second time, had the traveling committee amendment adopted, had the House Bill substituted (HB 1419, 1st ENG), and was Laid on the Table.

VII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Judy C. McDonald

Staff Director:

Judy C. McDonald

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DATE: June 11, 2001

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AS REVISED BY THE COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Lauren Cyran

Staff Director:

J. Marleen Ahearn, Ph.D., J.D.

AS FURTHER REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS:

Prepared by:

Kurt W. Hamon

Staff Director:

Eliza Hawkins

AS FURTHER REVISED BY THE COUNCIL FOR SMARTER GOVERNMENT:

Prepared by:

Lauren Cyran

Staff Director:

Don Rubottom

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON TOURISM:

Prepared by:

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