

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1127 w/CS Preserving Florida's History
SPONSOR(S): Harrington
TIED BILLS: None **IDEN./SIM. BILLS:** SB 2246 (S)

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Tourism (Sub)	5 Y, 0 N	McDonald	Billmeier
2) Commerce	19 Y, 0 N w/CS	McDonald	Billmeier
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

The bill provides two ways to assist in preserving the history of Florida.

First, the bill emphasizes the recognition, protection, and preservation of Florida's archaeological sites and artifacts and the importance of this statutory responsibility of the Division of Historical Resources of the Department of State (department). The bill provides for the establishment of a network of regional public archaeology centers throughout the state through a memorandum of agreement between the department and the University of West Florida. These centers are to provide public outreach and assistance to local governments in identifying, evaluating, developing, and preserving the archaeology in their local areas and are to assist the division in its archaeological responsibilities.

Next, the bill creates the Discovery of Florida Quincentennial Commemoration Commission (Commission) within the department for the purpose of planning and leading the commemoration of Juan Ponce de Leon's discovery of Florida. This is to be done through the development and implementation of a statewide master plan. The bill provides for appointment of Commission membership and authorizes specific powers and duties relative to the development and implementation of the master plan.

The Commission must hold its initial meeting no later than January 2005 to organize and begin its work. By January 2007 an initial draft of the master plan must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives. The master plan must be completed by January 2008.

Members of the Commission serve without compensation, except for per diem and travel expenses incurred in the performance of their duties. Any non-Commission members who are appointed to subcommittees or are members of the advisory committee of all living governors of the state are not entitled to compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. See Fiscal Comments for a discussion of any additional costs related to travel and per diem.

Department responsibilities outlined, include, but are not limited to, establishment of a citizens support organization to assist in the development and implementation of the master plan and provision of administrative support and consulting services. The department estimates a recurring cost of \$39,436.23 for the required staffing by the department.

The bill takes effect upon becoming law and the Commission and citizen support organization terminate July 1, 2014.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1127b.com.doc
DATE: March 24, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

Subject to appropriation, the bill requires the Department of State to provide administrative support and consulting services to the Discovery of Florida Quincentennial Commemoration Commission for the Commission’s activities. Additionally, the bill requires the Secretary of State to appoint subcommittees and submit budget requests on behalf of the Commission.

B. EFFECT OF PROPOSED CHANGES:

Background:

Juan Ponce de Leon – Discovery of Florida¹

Juan Ponce de Leon, a native of San Servos in the province in the Kingdom of Leon, came to Hispaniola with Columbus in 1493 to establish a permanent colony. In 1508, he traveled to Puerto Rico in search of gold. After learning of his exploits, the King of Spain made him governor of Puerto Rico. Ponce de Leon, however, lost his governorship to the son of Columbus, Diego. Don Diego Columbus had prior rights to Puerto Rico. Ponce de Leon retained all of his property in Puerto Rico.

On February 2, 1512, he received a patent from the King of Spain to discover and govern the island of Bimini and its people. He could not only establish a claim to Bimini but to all other lands that he might discover. He would have ownership to all houses and estates he established; would receive a share of all revenues and profits except from royal properties; with the exception of the royal share and the share for his men, would own all gold, precious metals, and other valuable commodities; and would receive the titles of adelantado and governor of Bimini and other lands he discovered.

In Puerto Rico, he prepared three ships and set sail for Bimini in March. On March 27th he sighted land and reached the coast of Florida on April 2nd. During the next week, he went ashore between Saint Augustine and the Saint Johns River, taking possession of the land and naming it Pascua florida. Before returning to Puerto Rico, Ponce de Leon sailed to these areas on the coast of Florida:

- Northward at least as far as the mouth of the St. Johns River,
- Southward, stopping at Cape Canaveral and possibly Biscayne Bay,
- Southward passing down the Florida Keys, named Los Martires,
- North up the coast to at least Charlotte Harbor, and
- Possibly as far north as Pensacola Bay.

Before Ponce de Leon could return and govern and colonize this area, he was sent to the Lower Antilles to subdue the Carib Indians. He did not return to Florida until 1521.

¹ A History of Florida (updated), Charlton W. Tebeau, pp. 20-21.

Department of State, Division of Historical Resources

The Secretary of State, as the administrator of the Divisions of Cultural Affairs, Historical Resources, and Library and Information Services, is known as "Florida's Chief Cultural Officer."²

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration.

The Department of State is charged, among other things, with the responsibility for:

- Serving as the official custodian of records;
- Preserving and promoting the state's cultural heritage and programs through cultural grant programs and promotional programs and implementing programs to gain international recognition on behalf of Florida artists and arts programs;
- Protecting, preserving, and promoting Florida's historical resources through encouraging 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; and
- Administering the statewide historic preservation plan and administering historic properties of the state, either directly or through management of contracts.

The Division of Historical Resources is charged with encouraging 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 responsibilities related to historic preservation are not only governed by state law but also by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).³ The division is comprised of the Director's office and three bureaus: Archaeological Research, Historical Museums, and Historic Preservation.

The division administers public information programs, the statewide historic preservation plan, the operation of historic sites and properties, and state and federal grants for historic preservation. Its duties also include the maintenance and operation of Florida's state historic museums, promotion and administration of the Florida Folklife Program, and administration of various archaeological research and preservation programs, including a historic marker program. Apart from the R.A. Gray Building where the Florida Museum of History and the division offices are housed, 63 other properties are assigned (leased) to the division to manage on behalf of the state. Only five of those are directly managed by the division, two more are not maintained by the division but the division has responsibility for maintaining exhibits, and the remainder are subleased to other entities.

Archaeology in Florida

For the first 12,000 years of human history in Florida, there are no written records. Archaeology, the study of the human past by analysis of the material remains, is the only way that we will learn about how people lived before the Europeans arrived. Temple and burial mounds, shell heaps, and other remains are the tangible links to the people who first occupied Florida.

Comments about Florida's Indian mounds are recorded as far back as the late 1700's with actual archaeological investigations beginning before the late 1860's. Major excavations began in the early 1890's but did not occur again with regularity until the 1930's.⁴

² See s. 15.18, F.S.

³ The federal law requires the state to have a State Historic Preservation Officer and a comprehensive statewide historic preservation plan that is approved by the Secretary of the Interior.

⁴"Florida Archaeology, An Overview", Florida Anthropological Society, pp. 3-6.

In the late 1960s the state enacted laws to specifically protect archaeological sites on state lands. In the 1970's a state archaeologist position was created.⁵

The state's archaeology program is the responsibility of the Bureau of Archaeological Research. The bureau's archaeologists carry out archaeological surveys and excavations throughout the state, mostly on state-owned lands. They maintain records on historical resources that have been recorded, and assist consultants and planners in protecting sites. The state's underwater archaeology program includes not only historic shipwreck sites but also pre-Columbian sites in underwater contexts. Some of these are among the oldest human sites in the New World. Underwater archaeologists in the Bureau have worked with local divers to develop Underwater Archaeological Preserves around the state to protect and interpret shipwreck sites for the public.⁶

Florida Sesquicentennial Commission

Chapter 94-142, L.O.F., established the Florida Sesquicentennial Commission within the Department of State to oversee the development of Florida's 150th statehood anniversary celebration. The Commission consisted of 18 members that were authorized to carry out certain functions relative to the planning and leading of the celebration. The Commission was terminated on January 1, 1996.

Governmental Organizational Structure - Definitions

Section 20.03, F.S., provides uniform nomenclature for use throughout the executive branch. The terms "council" or "advisory council"⁸, "task force"⁹, and "coordinating council"¹⁰, and "commission," are defined.

"Commission," unless otherwise defined by the State Constitution, means a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor.

Effect of Proposed Changes:

The bill amends the duties and responsibilities of the Division of Historical Resources (division) in the Department of State to further emphasize the division's role in advising and assisting governmental entities and organizations and individuals in the recognition, protection, and preservation of Florida's archaeological sites and artifacts. The language provides that this can be accomplished directly and through a memorandum of agreement with the University of West Florida to coordinate the establishment and operation of a network or regional public archaeology centers. These centers are to provide public outreach and assistance to local governments in identifying, evaluating, developing, and preserving the archaeology in their local areas and are to assist the division in its archaeological responsibilities in Chapter 267, F.S., and through the memorandum of agreement.

⁵ *Ibid.*, p. 6.

⁶ Bureau of Archaeological Research, Department of State

⁷ See s. 267.14, F.S.

⁸ "Council or "advisory council" means an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.

⁹ "Committee" or "task force" means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of the assignment.

¹⁰ "Coordinating Council" means an interdepartmental advisory body created by law to coordinate programs and activities for which one department has primary responsibility but in which one or more other departments have an interest.

The bill expands the current legislative intent relating to the preservation and protection of archaeological sites and objects of antiquity to include such assistance through the establishment of a network of regional public archaeology centers.

Section 267.145, F.S., is a new section created to implement the creation of a Florida network of public archaeology centers through memorandum of agreement by the Department of State. The network is to be administered through a public archaeology center at the University of West Florida. The network is to help stem the rapid deterioration of archaeological sites and to expand public interest in archaeology. The network is to work in cooperation with the State Historic Preservation Officer and the division. Additional centers are to be located around the state at a state university with a local archaeological program, a regional historic preservation office, the facility of a non-profit organization that does archaeology in the region, or other location set forth in the memorandum of agreement. The facility in which a center is to be located is to be provided free of charge.

The bill creates the Discovery of Florida Quincentennial Commemoration Commission (Commission) within the Department of State for the purpose of planning and leading the commemoration of the 500 year anniversary of Juan Ponce de Leon's discovery of Florida. The bill provides for the appointment of a specified Commission membership and authorizes specific powers and duties relative to the development and implementation of the statewide master plan for the commemoration.

The Commission must hold its initial meeting no later than January 2005 to organize and begin its work. By January 2007 an initial draft of the master plan must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives. The master plan must be completed by January 2008.

Members of the Commission serve without compensation, except for per diem and travel expenses incurred in the performance of their duties. Any non-Commission members who are appointed by the Secretary of State to subcommittees recommended by the Commission are not entitled to compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. A subcommittee composed of representatives of local governments to include a representative from each county with a documented association with Juan Ponce de Leon's 1513 and 1521 voyages. Additionally, an advisory committee composed of all former living governors of the state is established.

Subject to appropriation, the Department of State is required to provide administrative support and consulting services to the Commission. The Commission is to make recommendations for funding to the Secretary of State which shall be included in the department's legislative budget request. Additional responsibilities are given to the department relating to entering into contracts with, accepting loans or grants of money, property, or personal services from, any agency, corporation, or person to carry out a requirement for the Commission and the commemoration. The division may support the establishment of a citizen support organization to assist the Commission in the development and implementation of the master plan relating to the quincentennial commemoration.

The Commission and the citizen support organization shall expire on July 1, 2014. Prior to termination, all documents shall be transferred to the Department of State and all remaining assets shall be transferred to the Historical Operating Trust Fund.

C. SECTION DIRECTORY:

Section 1. Amends s. 267.031, F.S., relating to the responsibilities and duties of the Division of Historical Resources in the Department of State; delineating responsibilities and duties related to archaeology; providing for a network of archaeology centers through memorandum of agreement.

Section 2. Amends s. 267.14, F.S., relating to legislative intent on archaeological site and objects of antiquity preservation; adding establishment of network of public archaeology centers to the public policy statement.

Section 3. Creates s. 267.145, F.S., relating to network of public archaeology centers; requiring creation through memorandum of agreement; designating University of West Florida to coordinate establishment and operation of the network.

Section 4. Providing a popular name for section 5 of the bill.

Section 5. Creates s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; creates within Department of State; delineates membership and terms; provides duties and responsibilities; provides for per diem and travel; provides for meetings, election of officers, and conduct of meetings; authorizes subcommittees and advisory committee and compensation for members; subject to appropriation, requires the Department of State to provide staffing and consultation assistance; authorizes establishment of citizen support organization and provides its responsibilities; delineates responsibilities of the Department; provides for termination of Commission and citizen support organization; provides for transfer of documents and assets.

Section 6. Provides the bill will take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

For FY 2004-05, the Department of State estimates a General Revenue impact of \$39,436.23 for one FTE. The FTE and associated costs will be recurring throughout the duration of the Commission. The Commission terminates on July 1, 2014.

There will be costs for Commission travel for the last six months of FY 2004-05 and throughout its existence unless the citizens support organization to be created pursuant to the bill is able to assist in paying such expenses. It is unknown how many meetings will be held or the location. Costs will be incurred for the advisory committee and any subcommittees as outlined in the bill. Again, it is unknown when or how much will be incurred.

There is no source identified for such travel costs.

According to the Department of State, the Florida Arts Council which consists of 14 members and holds quarterly meetings expends approximately \$14,000 on per diem and travel. The Commission consists of 15 members.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

No anticipated fiscal impact on private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require municipalities or counties to expend funds, does not reduce their authority to raise revenue, and does not reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 24, 2004, the Committee on Commerce adopted the strike all amendment recommended by the Subcommittee on Tourism and passed the bill as a committee substitute. The differences between the original bill and the committee substitute are described below in the explanation of the strike all amendment recommended by the Subcommittee on Tourism.

On March 22, 2004, the Subcommittee on Tourism recommended a strike all amendment for adoption by the Commerce Committee. The strike all amendment does the following:

- Creates an act relating preserving Florida's history;
- Amends s. 267.031, F.S., adding specific responsibility for archaeological sites and artifacts to the responsibilities and duties of the Division of Historical Resource in the Department of State and providing for a memorandum of agreement for a network of public archaeology centers to be coordinated by the University of West Florida;
- Amends s. 267.14, F.S., adding the preservation of archaeological sites and objects of antiquity through the establishment of a network of public archaeology centers to the public policy statement;
- Creates s. 267.145, F.S., requiring the Department of State, through a memorandum of agreement to create a network of public archaeology centers and requiring that the University of West Florida coordinate the establishment and operation of a network of regional public archaeology centers through such agreement.
- Creates s. 267.174, F.S., to place the language concerning the "Discovery of Florida Quincentennial Commemoration Commission" and divides the section into subsections with headings;
 1. Places the Commission within the Department of State,
 2. Changes the membership number and membership criteria,
 3. Changes members terms of office to 4 years and provides for reappointment;
 4. Provides greater detail on meeting procedures and election of officers;
 5. Provides that meetings as well as records will be public;
 6. Sets for the duties of the Commission, including the development of a master plan and the specification of groups to participate in the plan development and implementation;
 7. Provides that the plan will include ceremonies in certain locales;
 8. Delays timeframes for master plan by one year;
 9. Provides additional advisory responsibilities of the Commission;

10. Provides that the Secretary of State may appoint subcommittees to the Commission based upon the recommendation of the Commission;
11. Requires the Secretary of State to appoint an advisory committee to the Commission that consists of all former state governors and the appointment of an advisory committee consisting of representatives of local governments including counties associated with Juan Ponce de Leon's 1513 and 1521 voyages;
12. Based upon appropriation, requires the Department of State to provide administrative support and consulting services to the Commission;
13. Provides that the department may enter into contracts with, or accept loans or grants of money, property, or personal services from, any agency, corporation, or person to carry out the requirements of s. 267.174, F.S.;
14. Replaces the Commission establishing a not-for-profit corporation with a citizen support organization to be established by the Division of Historical Resources for the purpose of providing assistance in the development and implementation of the master plan;
15. Provides that the Secretary of State is authorized to adopt the master plan;
16. Provides that the Commission shall make recommendations for funding to the Secretary of State who shall include such in the department's budget recommendations; and
17. Provides for the termination of both the Commission and the citizen support organization on July 1, 2014 and provides that all documents shall be transferred to the department and that all remaining assets shall be transferred to the Historical Operating Trust Fund.