

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 505 w/CS Abrogating Offensive Place Names
SPONSOR(S): Representative Joyner
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 444

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>10 Y, 0 N</u>	<u>Morris</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	<u>19 Y, 0 N w/CS</u>	<u>Morris</u>	<u>Cutchins</u>
3) <u>State Administration</u>	<u></u>	<u></u>	<u></u>
4) <u>Trans. & Economic Development Approp.</u>	<u></u>	<u></u>	<u></u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill requires the Division of Historic Resources of the Department of State to aid state agencies and local governments in identifying geographic sites that have offensive or derogatory place names and to find replacement names. "Offensive or derogatory place names" is defined to mean only racial, religious or ethnic slurs. The division is required to select replacement names and to file a formal request with the United States Board on Geographic Names to render a decision on the proposed name change so that new names will be reflected on official maps. Further, the division is required to notify specified state agencies as to name changes to ensure that markers, maps, and informational literature reflect the changes.

The bill requires replacement of offensive or derogatory place name markers or maps only when the entity updates a map or replaces a sign, interpretive marker, or any other marker because of wear or vandalism, not upon identification and alternative naming.

According to an economic impact analysis performed by the Department of State, the bill would cost the department in fiscal year 04-05 approximately \$50,689.57.

This bill creates section 267.0625, of the Florida Statutes.

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

STORAGE NAME: h0505b.lgv.doc
DATE: March 25, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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:

B. EFFECT OF PROPOSED CHANGES:

The *Tallahassee Democrat* reported on November 17, 2003, that a rural Florida bridge in Hendry County bore the offensive name of a character in Mark Twain’s “The Adventures of Huckleberry Finn.” This place name was found by a search on the U.S. Board of Geographic Names, though the pejorative term was replaced with the word “Negro.” The *Tallahassee Democrat* also reported that there are 13 places in Florida with names like “Negro Cove, Negro Island, and Negro Camp Island,” according to Roger Payne, executive secretary of the U.S. Board of Geographic Names.

A few states have their own naming boards, Florida is not among them. However, the United States Board on Geographic Names (BGN) is an interagency board established by federal law to standardize geographic name spellings for use in U.S. Government publications.

The bill states that the Legislature finds certain place names for geographic sites offensive or derogatory to the state’s people, history, and heritage and should be replaced by names that reflect the state’s people, history, and heritage without resorting to racial, ethnic, or religious slurs.

The bill provides definitions for three terms including, “commission,” which is defined as the Florida Historical Commission within the Department of State. The term “geographic site” is defined to mean a location or publicly owned structure in Florida that includes, but is not limited to, rivers, bodies of water, roads, bridges, buildings, geographic features, and parks. The term “offensive or derogatory place name” means a name that is a racial, ethnic, or religious slur.

Under the provisions of the bill, the Florida Historical Commission assists the Division of Historical Resources in naming, notifying all entities involved, reporting, and consulting with state agencies and political subdivisions in order to identify and inventory all public lands, waters, structures, and other geographic sites having offensive or derogatory place names, and to recommend replacement names.

The bill also requires each state agency that owns or manages public land, waters, or structures in Florida to identify geographic sites under its jurisdiction which contain offensive or derogatory place names and inform the division of those geographic sites by October 1, 2004.

The bill also requires each political subdivision that owns or manages public land, waters, or structures in Florida to identify any geographic sites under its jurisdiction which contain offensive or derogatory place names by October 1, 2004, and inform the commission of those sites. The political subdivision shall at the same time recommend a replacement name. Pursuant to s. 177.142, F.S., local governing bodies are currently authorized to change, by ordinance, the name of a subdivision, street, or other name appearing on a recorded plat, map, or an unrecorded map maintained by the clerk of the circuit court.

The division is required to compile the reports it receives and send a copy to the commission. The commission is required to advise the division on the new names for each geographic site to replace the offensive or derogatory place name. The division is required to choose a new name for the geographic site by March 1, 2005.

The division is required to ensure that whenever an agency updates a map or replaces a sign, interpretative marker, or any other marker because of wear or vandalism, the offensive or derogatory place name is removed and replaced with the name chosen by the division.

The bill also requires the division to notify specific agencies that compile information for, or develops maps or markers for the state, of the name change so that it may be reflected on subsequent editions of any maps, informational literature, or markers produced by those entities. Further, the bill requires the division to place a formal request with the U.S. Board on Geographic Names to render a decision on the proposed name change so that the new name will be reflected on official maps.

The bill requires replacement of offensive or derogatory place name markers or maps only when the entity updates a map or replaces a sign, interpretive marker, or any other marker because of wear or vandalism, not upon identification and alternative naming.

C. SECTION DIRECTORY:

Section 1 provides that the Legislature finds certain place names for geographic sites are offensive or derogatory to the state's people, history, and heritage. The bill provides that the Legislature finds that these offensive or derogatory place names should be replaced by names that reflect the state's people, history, and heritage without resorting to offensive stereotypes, slurs, names, words, or phrases.

This bill provides definitions for implementation. The following terms are defined: (1) commission; (2) geographic site; and (3) offensive or derogatory place name.

The term "commission" is defined to be the Florida Historical Commission within the Department of State.

The term "geographic site" is defined to mean a location or publicly-owned structure in this state, and includes, but is not limited to, rivers and other navigable waters of the state, geographic features, and parks, or state or local roads, bridges, and publicly-owned buildings.

The term "offensive or derogatory place name" means a place name that is a racial, ethnic or religious slur.

This bill requires each state agency that owns or manages public land, waters, or structures in Florida to identify any geographic sites under its jurisdiction which contain offensive or derogatory place names and inform the division of those geographic sites by October 1, 2004.

This bill also requires each political subdivision that owns or manages public land, waters, or structures in Florida to identify any geographic sites under its jurisdiction which contain offensive or derogatory place names by October 1, 2004, and inform the commission of those sites. The political subdivision shall at the same time recommend a replacement name.

The division is required to compile the reports it receives and send a copy to the commission. The commission is instructed to advise the division in the replacement names for identified sites. The division is required to choose a new name for the geographic site by March 1, 2005.

The division is required to ensure that whenever an agency updates a map or replaces a sign, interpretative marker, or any other marker because of wear or vandalism, the offensive or derogatory place name is removed and replaced with the name chosen by the division.

This bill also requires the division to notify specific agencies that compile information for or develops maps or markers for the state of the name change so that it may be reflected on subsequent editions of any maps, informational literature, or markers produced by those entities. Further, the bill requires the division to place a formal request with the U.S. Board on Geographic Names to render a decision on the proposed name change so that the new name will be reflected on official maps. The division is also required to report to the Governor, the Speaker of the House, and President of the Senate by no later than July 2, 2005, regarding implementation of the bill.

Section 2 provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to an economic impact analysis performed by the Department of State, the bill would cost the department in fiscal year 04-05 approximately \$50,689.57.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

No significant impact.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

There does not appear to be constitutional issues in this bill.

2. Other:

B. RULE-MAKING AUTHORITY:

As the Department of State is an agency as defined in s. 120.52(1), F.S., action by the department under this act would be either by rule or order, either of which could be challenged pursuant to the provisions of the Administrative Procedure Act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill requires replacement of offensive or derogatory place name markers or maps only when the entity updates a map or replaces a sign, interpretive marker, or any other marker because of wear or vandalism, not upon identification and alternative naming.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Committee on Local Government & Veterans' Affairs adopted a strike-all amendment on March 23, 2004.

- The amendment significantly limits the bill to include only racial, ethnic, and religious slurs.
- The amendment also limits the reference to structure in the definition of "geographic site" to only include "publicly-owned structures."
- The amendment assigns responsibilities to the Division of Historical Resources, with the assistance of the Commission on Historical Resources, and requires a report to the Governor, the Speaker of the House, and President of the Senate.
- The amendment removes the exception to geographic place names that have the same name of a historic person or event, as long as the name is not a pejorative name.