

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 505 w/CS Abrogating Offensive or Derogatory Place Names
SPONSOR(S): Joyner, and others
TIED BILLS: none **IDEN./SIM. BILLS:** CS/SB 444 (s)

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>7 Y, 0 N</u>	<u>Bond</u>	<u>Everhart</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 state agencies and local governments to identify geographic sites, and government owned bridges and buildings, that have offensive or derogatory names, and to report such sites and structures to the Division of Historic Resources of the Department of State. The division selects a new name.

This bill represents a nonrecurring expenditure in FY 2004-2005 to the state of approximately \$50,000. This bill also represents a nonrecurring expenditure to local governments in FY 2004-2005, the amount is unknown but likely not significant.

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

STORAGE NAME: h0505d.sa.doc
DATE: March 31, 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:

This bill increases the duties of the Department of State.

B. EFFECT OF PROPOSED CHANGES:

Background

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.

Section 177.142, F.S., requires local governments to change the name of any street or subdivision within the local government’s jurisdiction if the name contains a racial or ethnic slur.

Effect of Bill

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

This bill defines the term “geographic site” as a physical location or a publicly owned bridge or building. The term “offensive or derogatory place name” is broadly defined as a name that is a “racial, ethnic, or religious slur.”

This bill requires each state agency or 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 to file a report listing such sites with the Division of Historical Resources in the Department of State by October 1, 2004. Political subdivisions are also required to suggest an alternative name.

The Florida Historical Commission is directed to review the compiled list of offensive or derogatory names, and to advise the division of the commission’s recommended changes. By March 1, 2005, the division must choose a new name for each offensive or derogatory place.

The division must notify state agencies and political subdivisions that have reported an offensive or derogatory place name of the new name. Whenever an agency or political subdivision updates a map or recorded plat, or replaces a sign, interpretative marker, or any other marker because of wear or vandalism, the new name must be used.

The division must also notify state agencies, and United States Board on Geographic Names, of the changes.

By July 1, 2005, the division must report to the Governor, President of the Senate, and Speaker of the House, listing the names changed, makers changed, and whether the Board on Geographic Names has accepted the changes.

C. SECTION DIRECTORY:

Section 1 creates s. 267.0625, F.S., requiring that offensive and derogatory place names be changed.

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 \$50,689.57 in FY 2004-2005.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Unknown, but likely not significant.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Although this bill appears to require counties and municipalities to expend funds to comply with this bill, this bill applies to all persons similarly situated, and the total cost of compliance appears to be well below the level considered insignificant.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

There is no clear definition of what is an offensive or derogatory place name. The bill defines such as a name that is a racial, ethnic, or religious slur, although that is equally unclear.

The bill assumes that any name listed by an agency or a political subdivision is actually offensive or derogatory, and requires that it be changed. It is unclear how the division will manage a listed name that the division does not believe is offensive or derogatory.

The provisions of this bill will be complied with and completed by July 1, 2005. It is unclear why there is no automatic repeal date.

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.