



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Section 15.09(1)(a), F.S., provides a \$3.50 fee for the searching of papers or records, with the exception of telephone requests which are to be done at no charge. Section 15.09, F.S., also authorizes the department to charge \$8.75 for providing a certificate with seal, \$1 per page for furnishing statistical information and copying any document not mentioned in the statute, and authorizes the department to set reasonable fees for filing or copying any document or instrument not mentioned or provided for in other law. All funds collected by the department under this statute are to be deposited into General Revenue Fund. However, the department has not been collecting the \$3.50 fee specified in s. 15.09(1)(a), F.S., so there have been no deposits into General Revenue Fund arising from this specific fee.

Chapter 267, F.S., governs the Department of State's Division of Historical Resources. Provisions are included for the powers and duties of the division, establishment of regional offices, establishment of grant programs, programs for historic preservation, contracting with the University of West Florida for historic preservation and creation of numerous councils and commissions including the Florida Quincentennial Commemoration Commission.

In the 2004 Legislative Session, the Department of State and the division were given additional responsibilities through the creation of the Discovery of Florida Quincentennial Commemoration Commission in section 267.174, F.S. The commission was subject to appropriation and was placed within the department. The purpose of the commission is to plan and lead 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 law provides for appointment of a commission and authorizes specific powers and duties relative to the development and implementation of the master plan. Special subcommittees are permitted and an advisory committee is required to assist the commission in its responsibilities. Section 267.174, F.S., requires the commission to hold its initial meeting no later than January 2006 to organize and begin its work. By January 2007, an initial draft of the master plan was to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives. The Department of State has not received legislative funding for the commission since the law passed in 2004. The Commission has never been established.

##### **Proposed Changes**

The bill removes the requirement for the Department of State to perform telephone requests for general corporate information at no charge. It also removes the provision that the department charge \$3.50 for the searching of papers or records in person. With the removal of this provision, the Department will be governed by the remainder of 15.09, F.S., relating to copying and fee charges.

The bill also removes provisions stating that the department may "establish regional offices for the purpose of assisting the division in the delivery of historic preservation services". The two regional offices outside of Tallahassee are located in Tampa and Boca Raton. Also removed is the provision which allowed the Division of Historical Resources to contract with the University of West Florida to

serve as the regional office for the West Florida region of the state. These offices will be consolidated to the Tallahassee location and services will be centralized.

The bill repeals s. 267.174, F.S., (enacted July 1, 2004) which established the Discovery of Florida Quincentennial Commemoration Commission, its duties and membership, and defined the duties of the Department of State in celebrating the 500-year anniversary of Juan Ponce De Leon's "discovery" of Florida.

**C. SECTION DIRECTORY:**

Section 1: Amends section 15.09, F.S., to remove the obsolete provision that the Department of State charge \$3.50 for the searching of papers or records and perform telephone requests for general corporate information at no charge.

Section 2: Amends section 267.031, F.S., to remove the provision requiring the Department of State to establish regional offices for the purpose of assisting the division in the delivery of historic preservation services.

Section 3: Amends section 267.173, F.S., to remove the provision allowing the Department of State to contract with the University of West Florida to serve as the regional office for the West Florida region of the state.

Section 4: Repeals Section 267.174, F.S., which established the Discovery of Florida Quincentennial Commemoration Commission.

Section 5: Provides an effective date of July 1, 2008.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None. The Department of State has not been charging the \$3.50 fee specified in s. 15.09(1)(a), F.S.

2. Expenditures:

Although this bill does not directly affect appropriations from the General Revenue Fund, it will reduce Department of State workload, allowing for reduction in the need for DOS expenditures such that the General Revenue Fund appropriations can be reduced by approximately \$1 million in the General Appropriations Act (GAA) for Fiscal Year 2008-2009.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**