

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SB 592

INTRODUCER: Senator Burgess

SUBJECT: Historical Preservation Programs

DATE: January 19, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limonés-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ATD</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 592 creates a partnership between the Department of State (DOS) and the Florida African American Heritage Preservation Network (FAAHPN). Subject to legislative funding, the DOS and the FAAHPN will preserve Florida's black and African-American history by supporting museums, galleries, archives, technology, training, tourism, and marketing efforts. Additional eligible expenditures, such as internships and living history presentations, will be determined jointly by the DOS and the FAAHPN.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida African American Heritage Preservation Network

The Florida African American Heritage Preservation Network (FAAHPN) is a professional association organized in 2001 by the John Gilmore Riley Center Museum. The FAAHPN serves as an informational and technical assistance resource in response to a growing interest in preserving Florida's African American culture, that of the African Diaspora and that of other related ethnically diverse historic resources globally.¹ The FAAHPN provides the following:

- Technical assistance to museum and historic preservation professionals;
- Content development and management;
- Enhancement of organizational resource allocation;
- Professional development for staff, board members and volunteers;
- Information technology upgrades through hardware and software integration;
- Grant, fundraising and private-funding development training;

¹ The Blanchard House Museum, *The Network*, <http://www.blanchardhousemuseum.org/network.html> (last visited Jan. 16, 2024).

- Archival research and digitization;
- Consultation for obtaining historic designation; and
- Creation of living history exhibits and educational products.²

The following is the history of state appropriated funds received by the Network and the funds requested by the Network by fiscal year:

Spending Category	Description	2020-2021 ³	2021-2022 ⁴	2022-2023 ⁵	2023-2024 ⁶
Executive Director Salary and Benefits	Contract fees to oversee and provide ongoing administrative and technical assistance to network museums.	\$73,000	\$58,200	\$116,400	\$116,400
Expense/Equipment/Travel/Supplies/ Other	Office needs, network field meeting costs for workshops, and on-site technical assistance.	\$7,250	\$5,400	\$10,000	\$10,000
Consultants/Contracted Services/Study	Technicians, specific subject/skill consultants	\$57,750	\$28,800	\$26,000	\$56,000
Salary and Benefits for others	Network interns; stipends paid and expense allowances to regular docents and volunteer FAAHPN Museum Directors.	\$95,150	\$72,800	\$142,600	\$145,600
Expense/Equipment /Travel/Supplies/ Other	Grants; exhibits/tech/events/collections; additional \$25,000 increase to fulfill requests for the installation of state historic markers at eligible museum	\$254,850	\$207,200	\$400,000	\$414,400

² The Florida African American Heritage Preservation Network, *About FAAHPN*, <http://faahpn.com/about-faahpn/> (last visited Jan. 17, 2024).

³ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2020-2021*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2020-21/LocalFundingInitiativeRequests/FY2020-21_S1360.PDF (last visited Jan. 17, 2024).

⁴ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2021-2022*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2021-22/LocalFundingInitiativeRequests/FY2021-22_S1553.PDF (last visited Jan. 17, 2024).

⁵ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2022-2023*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2022-23/LocalFundingInitiativeRequests/FY2022-23_S1931.PDF (last visited Jan. 17, 2024).

⁶ The Florida Senate, *Local Funding Initiative Request Fiscal Year 2023-2024*, https://flsenate.gov/PublishedContent/Session/FiscalYear/FY2023-24/LocalFundingInitiativeRequests/FY2023-24_S1790.PDF (last visited Jan. 17, 2024).

Spending Category	Description	2020-2021 ³	2021-2022 ⁴	2022-2023 ⁵	2023-2024 ⁶
	locations and increase in fund allowances resulting from two new network museums.				
Consultants/ Contracted Services/Study	Research; public relations; communications; and marketing	\$12,000	\$27,600	\$25,000	\$57,600
Total State Funds Requested		\$500,000	\$400,000	\$720,000	\$800,000
Total State Funds Received		\$325,000	\$720,000	\$800,000	\$800,000

Florida Historical Resources Act

Chapter 267, F.S., is referred to as the “Florida Historical Resources Act.”⁷ This chapter gives the Division of Historical Resources authority to adopt rules to implement the duties provided for in ch. 267, F.S.⁸ The chapter establishes programs and policies to encourage preservation of historic resources for the public benefit. Major goals of Florida's historic preservation program are to identify, register, protect, and preserve significant historical resources which belong to the public.⁹

Division of Historical Resources

The DOS’s Division of Historical Resources (Division) is responsible for preserving and promoting Florida’s historical, archaeological, and folk culture resources. The Division Director’s Office oversees a Historic Preservation Grants program to help preserve and maintain Florida’s historic buildings and archaeological sites and coordinates outreach programs. The Division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.¹⁰

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.¹¹

⁷ Section 267.011, F.S.

⁸ Section 267.031, F.S.

⁹ Department of State, Florida Division of Historical Resources, *Laws*, <https://dos.fl.gov/historical/archaeology/underwater/laws/#:~:text=Florida%20Historical%20Resources%20Act,land%20and%20in%20the%20water> (last visited Jan. 14, 2024).

¹⁰ Florida Department of State, Florida Division of Historical Resources, *About*, <https://dos.myflorida.com/historical/about/> (last visited Jan. 14, 2024).

¹¹ *Id.*

Department of State

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, Arts and Culture, and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.¹² The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.¹³

III. Effect of Proposed Changes:

Section 1 creates a partnership between the DOS and the FAAHPN. Subject to legislative funding, the DOS and the FAAHPN will preserve the history, culture, and contributions of Florida's black and African-American residents. The preservation efforts must include, but are not limited to the following:

- Providing funding to support member museums and affiliates and the institutions served;
- Supporting galleries and archives;
- Providing funding in the following areas:
 - Technology;
 - Equipment acquisition; and
 - Content and exhibit development, fabrication, and installation;
- Preserving documents and artifacts;
- Providing processional and resource development services such as conferences and workshops; and
- Providing funding for training, tourism, and marketing to promote visitation to and viewership of Florida's black history and African-American history museum, places, and other spaces.

The DOS and the FAAHPN will determine other eligible expenditure's related to the goal and mission of the partnership.

Section 2 provides that the bill will take effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

¹² Section 20.10(1), F.S.

¹³ Section 15.01(1), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None. The bill directs the Department of State to contract with the Network if funds are appropriated for that purpose. However, it should be noted that the Legislature, when making the appropriation, may direct the expenditure differently than described in this bill.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures because no funds are appropriated in this bill.

VI. Technical Deficiencies:

On line 18, the bill makes reference to “the department.” This term is not defined in the bill or in ch. 267, F.S. Consideration should be given to clarify that the term “department” means the Department of State.

VII. Related Issues:

If the intent of this bill is to establish “an appropriation that is specifically authorized by statute,” the language in the bill (“subject to the appropriation of funds by the Legislature...”) may be deficient. The State Constitution provides “no money shall be drawn from the treasury except in pursuance of appropriation made by law.”¹⁴ Section 216.011(1)(c), F.S., defines “appropriation” to mean “a legal authorization to make expenditures for specific purposes within the amounts

¹⁴ Art. VII, s. 1(1)(c), State Constitution.

authorized by law.” Thus, an appropriation is the legal authority granted by the legislature to draw money from the treasury.

In its simplest form, the bill requires the Department of State to contract with the Florida African American Heritage Preservation Network to conduct certain tasks *if* the department is appropriated funds for this purpose. This language recognizes that the Legislature must take another legislative action to authorize the drawing for funds, which could be done without the authority granted in this bill. The language of the bill is akin to proviso that would typically attach to a legislative appropriation included in the General Appropriations Act.

VIII. Statutes Affected:

This bill creates section 267.0724 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.