

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2246

SPONSOR: Governmental Oversight and Productivity Committee and Senator Carlton

SUBJECT: Preserving Florida's History

DATE: April 14, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Fav/CS
2.	_____	_____	ATD	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

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.

Additionally, the bill creates the Discovery of Florida Quincentennial Commemoration Commission (the "commission") for the purpose of developing and implementing a statewide master plan for commemorating the 500 year anniversary of Juan Ponce de Leon's first arrival in 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. The master plan must be completed by January 2007. The commission is authorized to establish a not-for-profit corporation to raise funds and to assist in the implementation of the master plan. The commission terminates July 1, 2014.

This bill creates and undesignated section of law.

II. Present Situation:

Background:

*Juan Ponce de Leon*¹

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.

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

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

² See section 15.18, F.S.

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.

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.

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.

Governmental Organizational Structure - Definitions

Section 20.03, F.S., provides uniform nomenclature for use throughout the executive branch. The terms “council” or “advisory council”⁴, “task force”⁵, and “coordinating council”⁶, 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.

III. 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 ch. 267, F.S., and through the memorandum of agreement.

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.

⁴ “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.

⁵ “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.

⁶ “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 creates the Discovery of Florida Quincentennial Commemoration Commission (the "Commission") for the purpose of developing and implementing a statewide master plan for commemorating the 500 year anniversary of Juan Ponce de Leon's first arrival in 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.

The commission consists of 15 members. Seven members are appointed by, and serve at the pleasure of the Governor. Five of the seven members are to be from Charlotte, Lee, Palm Beach, St. Johns, and Monroe Counties, respectively. These counties are associated with the 1513 voyage of Juan Ponce de Leon. Two members are appointed by, and serve at, the pleasure of the President of the Senate. Two members are appointed by, and serve at, the pleasure of the Speaker of the House of Representatives. Additionally, the Secretary of State or designee, the executive director of OTTED, the chairs of the Florida Historical Commission and the Florida Arts Council are appointed. Members serve a term of 4 years and are eligible for reappointment. 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 Commission to subcommittees are not entitled to compensation but are to be reimbursed for necessary expenses incurred in the performance of their duties.

Appointees must be representatives of the public who have interest or expertise in historic preservation, archaeology, the history of Florida, arts education, marketing, the entertainment industry, tourism, or parks and recreation.

The Commission must hold its initial meeting no later than January 2005 to organize and begin its work. By January 2006 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 2007. The master plan may include:

- < State and local historic preservation programs and activities.
- < State and local archaeological programs and activities.
- < Publications, films, and other educational materials.
- < Biographical, bibliographical, and documentary projects that chronicle the life of Juan Ponce de Leon, his 1513 and 1521 voyages to Florida, the creation of the commission, and the implementation of the master plan.
- < Conferences, lectures, seminars, and other programs.
- < Museum, library, cultural center, park improvements, services, and exhibits, including, but not limited to, a quincentennial commemorative painting and mobile exhibits.
- < Programs that educate the public on Florida's extinct Native American cultures.
- < Public art that captures the spirit of exploration.
- < Tourism attractions, license plate, logo, seal or trademark design, and retail items.
- < Ceremonies, celebrations, and commemorations throughout the state.

Subject to appropriation, the Department of State is required to provide administrative support and consulting services. The Secretary of State is authorized to appoint subcommittees who are not members of the committee. The bill also requires a subcommittee composed of representatives of local governments to assist the commission. Additionally, the bill requires the

secretary to appoint an advisory committee that is composed of all former living governors to assist and advise the commission in fulfilling its duties.

The department is authorized to 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 recommendations of the section.

The Division of Historical Resources is authorized to support the establishment of a citizen support organization to assist the commission. All documents of the commission and the citizen support organization are transferred to the Department of State, and all remaining assets of the commission and the citizen support organization must be transferred to the Historical Operating Trust Fund upon termination of the commission and the citizen support organization.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill permits the commission to establish a citizen support organization. Section 20.2551(1), F.S., defines a CSO as an organization which is:

- (a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.
- (b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Department of Environmental Protection or individual units of the department. . . .
- (c) Determined by the appropriate division. . . . to be consistent with the goals of the department and in the best interests of the state; and
- (d) Approved in writing by the department to operate for the direct or indirect benefit of the individual units of the department. Such approval shall be given in a letter of agreement from the department.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
