

STORAGE NAME: h0733a.ccc.doc
DATE: April 16, 2001

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE
COUNCIL FOR COMPETITIVE COMMERCE
ANALYSIS**

BILL #: HB 733
RELATING TO: Lighthouses
SPONSOR(S): Representative(s) Wiles
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) TOURISM YEAS 6 NAYS 0
- (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS YEAS 13 NAYS 0
- (3) COUNCIL FOR COMPETITIVE COMMERCE YEAS 10 NAYS 0
- (4)
- (5)

I. SUMMARY:

The bill directs the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state and plan for the funding, restoration, and future public access and use of the facilities.

The bill states that the Coastal Management Program in the Department of Community Affairs and the Division of Historical Resources in the Department of State are required to take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from further deterioration. When possible, the lighthouses and associated buildings are to be made available to the public for educational and recreational purposes. Additionally, the bill directs the Department of Community Affairs to consider the responsibilities outlined in this act to be a priority of the Florida Coastal Management Program and the implementation of the act to be a priority for use of coastal management funds. The bill further requires that both departments request funding in their legislative budget requests to carry out the responsibilities delineated in the act and that funds for rehabilitation of lighthouses should be provided through matching grants-in-aid to state and local government agencies and nonprofit organizations.

Finally, the Department of Community Affairs is authorized to assist the Division of Historical Resources in projects to accomplish lighthouse identification, assessment, restoration, and interpretation.

The bill creates an undesignated provision of law that takes effect upon becoming a law.

On April 4, 2001, the House Transportation & Economic Development Appropriations Committee adopted an amendment that appropriates \$100,000 (\$50,000 at the Department of State and \$50,000 at the Department of Community Affairs) to implement the study required by this act.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- 1. Less Government Yes No N/A
- 2. Lower Taxes Yes No N/A
- 3. Individual Freedom Yes No N/A
- 4. Personal Responsibility Yes No N/A
- 5. Family Empowerment Yes No N/A

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

According to the Florida Lighthouse Association, Inc., there are currently 30 standing lighthouses in Florida. In recent years, efforts have been made to preserve these historical landmarks. Many lighthouses were incorporated into parks, wildlife refuges, and recreational areas. Others were given to their neighboring towns for restoration as museums, or cared for in cooperation with the Coast Guard and local organizations. The following table lists these lighthouses.

FLORIDA LIGHTHOUSES

Location	Type	Status	Owner	National Register of Historic Places
Alligator Reef	Iron	Active	USCG	Eligible
Amelia Island	Brick	Active	USCG	No
American Shoal	Iron	Active	USCG	Eligible
Anclote Key	Iron	Inactive	FL Park Service	Yes
Cape Canaveral	Iron	Active	USCG	Eligible
Cape Florida	Brick	Inactive	DEP	Yes
Cape San Blas	-----	Inactive	USAF	Eligible
Cape St. George	Brick	Inactive	Cape St. George Historical Society	Yes
Carysfort Reef	Iron	Active	USCG	Yes
Cedar Key	Brick	Inactive	US Fish & Wildlife	No
Crooked River	Iron	Inactive	GSA	Yes
Egmont Key	Brick	Active	DEP	No
Fort Jefferson	Brick	Inactive	Nat'l Park Service	Nat'l Monument
Fowey Rocks	Iron	Active	USCG	No
Gasparilla Is. Range	Iron	Active	USCG	No
Hillsboro Inlet	Iron	Active	USCG	Yes
Juniper Inlet	Brick	Active	Loxahatchee Hist. Museum	Yes
Key West	Brick	Inactive	Key West Art & Historical Society	Eligible
Loggerhead Key (2)	Brick	Active	USCG	No

Location	Type	Status	Owner	National Register of Historic Places
Pensacola	Brick	Active	USCG	No
Ponce de Leon Inlet	Brick	Active	Ponce de Leon Inlet Lighthouse Assoc.	Yes
Port Boca Grande	Iron Pile	Active	Florida Park Service	Yes
Sand Key	Iron	Active	USCG	Yes
Sanibel Island	Iron	Active	City of Sanibel	Yes
Sombrero Key	Iron	Active	USCG	No
St. Augustine	Brick	Active	Jr. League of St. Augustine	Yes
St. John's River Lighthouse	Brick	Inactive	US Navy	Yes
St. John's (Mayport)	Concrete	Active	US Navy	No
St. Joseph Bay	Wood	Inactive	Private Residence	No
St. Marks	Brick	Active	USCG	Yes

Division of Historical Resources, Department of State

The primary chapter of law in which all aspects of the state's responsibilities in historic preservation are contained is Chapter 267, F.S. Specifically, these are directed to the Division of Historical Resources of the department to carry out on behalf of the state.

Not only are Florida's historic preservation initiatives governed by state law but also by the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470). The federal law sets forth the requirements for state historic preservation programs, both structure and responsibilities. It also provides for both direct grants and for matching grants to the states with funds appropriated annually by Congress. The Secretary of the Interior must approve a state historic preservation program. One requirement of the program is the designation of a State Historic Preservation Officer by the Governor to administer the programs for the state. Another is the requirement for a state historic preservation review board and for citizen input into the state's historic preservation efforts (Florida's National Register Review Board and the state's Historic Preservation Advisory Council). Additionally, the responsibilities of the State Historic Preservation Officer are delineated in the federal law as well as the requirement for a comprehensive statewide historic preservation plan. The requirements of the federal law and the means to address those requirements are found throughout Chapter 267, F.S.

Chapter 267, F.S., sets forth the state policy for historic preservation, addresses the requirements of the federal law, and charges the Division of Historical Resources with encouraging the 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 division is required to administer public information programs, the statewide historic preservation plan, the operation of historic sites and properties, and state and federal grants for historic preservation. Additionally, the law requires the maintenance and operation of Florida's state historic museums, the administration of museum grants, promotion 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. The division directly manages only 8 of those with the remainder being subleased to other entities.

The division administers the historical resources grants programs that consist of historic preservation small matching grants, special category grants and historical museum small matching grants.

The historic preservation small matching grants program, requiring a 50/50 match, consists of three sub-categories: acquisition and development, survey and planning, and community education. The purpose of the program is to assist and encourage the identification, excavation, protection, rehabilitation, and public knowledge of historic and archaeological properties in Florida. Units of local governments, not-for-profit corporations, institutions, organizations, and other non-profit entities as well as departments or agencies of the state are eligible for the grants. In FY 2000-01, \$2.749 million was appropriated.

The historic preservation special category grants, requiring evidence of substantial local cost share and a preference of a 50% or better local cost share, is to assist with major restoration of historic structures, major archaeological excavations, and major museum exhibit projects involving the development and presentation of exhibitions and educational materials on the history of the human occupation of Florida. The same groups eligible for the small matching grants are eligible for the special category grants. In FY 2000-01, \$17.096 million was appropriated.

Funds appropriated from general revenue for the historic preservation grants-in-aid program cannot be used for a project owned by private individuals or owned by for-profit corporations.

The historical museums small matching grants, receiving \$2 million in FY 2000-01, is a 50/50 matching grant that provides funding for the development of educational exhibits relating to the history of Florida and to assist Florida history museums with basic operational costs. Public educational exhibit grants are available to local and state governments and entities and both profit and non-profit organizations and entities. General operating support grants are available only to non-profit Florida history museums that are not agencies of the state and have been operating for at least two years.

Florida Coastal Management Program, Department of Community Affairs

Florida's Department of Community Affairs has been responsible for directing the implementation of the statewide coastal management program since 1992. The Florida Coastal Management Program is based on a network of 23 statutes that protect and enhance the state's natural, cultural and economic coastal resources. The goal of the program is to coordinate local, state and federal agency activities using existing laws to ensure that Florida's coast is as valuable to future generations as it is today. In FY 2000-01, approximately \$2.5 million in federal dollars from the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce was allocated to the Coastal Management Program through its Coastal Zone Management Trust Fund. The federal dollars are to be used to implement the Federal Coastal Zone Management Program. Of the federal dollars received between \$700,000 and \$800,000 annually is available for a competitive grants program. The program provides small one to one matching grants of \$25,000 to \$50,000 to local governments and nonprofits for proposals that fit within one of four areas: coastal access; remarkable coastal places; waterfront revitalization; and, community stewardship. According to the Coastal Management Program, the grants are aimed at proposals providing innovative approaches to doing something that is not normally done by state or local governments.

C. EFFECT OF PROPOSED CHANGES:

The bill directs the Department of Community Affairs and the Department of State to conduct a study of lighthouses in the state and plan for the funding, restoration, public access and use of the facilities.

The bill states that the Coastal Management Program in the Department of Community Affairs and the Division of Historical Resources in the Department of State are required to take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from further deterioration. When possible, the lighthouses and associated buildings are to be made available to the public for educational and recreational purposes. Additionally, the bill directs the Department of Community Affairs to consider the responsibilities outlined in this act to be a priority of the Florida Coastal Management Program and the implementation of the act to be a priority for use of coastal management funds. The bill further requires that both departments request funding in their legislative budget requests to carry out the responsibilities delineated in the act and that funds for rehabilitation of lighthouses should be provided through matching grants-in-aid to state and local government agencies and nonprofit organizations.

Finally, the Department of Community Affairs is authorized to assist the Division of Historical Resources in projects to accomplish lighthouse identification, assessment, restoration, and interpretation.

D. SECTION-BY-SECTION ANALYSIS:

None required.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

On April 4, 2001, the House Transportation & Economic Development Appropriations Committee adopted an amendment that appropriates \$100,000 (\$50,000 at the Department of State and \$50,000 at the Department of Community Affairs) from nonrecurring General Revenue to implement the study required by this act.

Estimates of funding requests for the second fiscal year cannot be determined until the study is completed. The Department of State has noted that grant funds could be awarded and administered through the historic preservation grants program currently in place in the Division of Historical Resources with a separate subsection of lighthouse grants established in that grants program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

If the study results in additional grants that might be available to local governments to restore lighthouses, there will be a cost benefit to such governments in offsetting local costs. There is a potential benefit to the communities for some resources derived from maritime/heritage tourism.

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If the study results in additional grants that might be available to private sector entities to restore lighthouses, there will be a cost benefit to such entities in offsetting costs. There is a potential benefit to the entities and to the communities for some resources derived from maritime/heritage tourism.

D. FISCAL COMMENTS:

On April 4, 2001, the House Transportation & Economic Development Appropriations Committee adopted an amendment that appropriates \$100,000 (\$50,000 at the Department of State and \$50,000 at the Department of Community Affairs) from nonrecurring General Revenue to implement the study required by this act.

Estimates of funding requests for the second fiscal year cannot be determined until the study is completed. The Department of State has noted that grant funds could be awarded and administered through the historic preservation grants program currently in place in the Division of Historical Resources with a separate subsection of lighthouse grants established in that grants program.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 4, 2001, the House Transportation & Economic Development Appropriations Committee adopted an amendment that appropriates \$100,000 (\$50,000 at the Department of State and \$50,000 at

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the Department of Community Affairs) from nonrecurring General Revenue to implement the study required by this act.

VI. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Judy C. McDonald

Staff Director:

Judy C. McDonald

AS REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC DEVELOPMENT
APPROPRIATIONS:

Prepared by:

Kurt W. Hamon

Staff Director:

Eliza Hawkins

AS FURTHER REVISED BY THE COUNCIL FOR COMPETITIVE COMMERCE:

Prepared by:

Rebecca R. Everhart

Staff Director:

Hubert "Bo" Bohannon