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DATE: March 12, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TOURISM
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
 - (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (3) COUNCIL FOR COMPETITIVE COMMERCE
 - (4)
 - (5)
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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 which takes effect upon becoming a law.

The Departments of Community Affairs and State will incur new responsibilities imposed by this act including the required study and subsequent plan and request for funding to implement the study's findings and plan. According to the Department of State, the study required by the bill will cost \$100,000 with the cost being split by the two departments for a cost of \$50,000 each. The Department of State is requesting \$50,000 in General Revenue. Estimates of funding requests for the second fiscal year cannot be determined until the study is completed. The Department of State did note 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.

II. 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 |

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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. A state historic preservation program must be approved by the Secretary of the Interior. 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:

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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.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The Departments of Community Affairs and State will incur new responsibilities imposed by this act including the required study and subsequent plan and request for funding to implement the study's findings and plan. According to the Department of State, the study required by the bill will cost \$100,000 with the cost being split by the two departments for a cost of \$50,000 each. The Department of State is requesting \$50,000 in General Revenue. Estimates of funding requests for the second fiscal year cannot be determined until the study is completed. The Department of State did note 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:

The Departments of Community Affairs and State will incur new responsibilities imposed by this act including the required study and subsequent plan and request for funding to implement the study's findings and plan. According to the Department of State, the study required by the bill will cost \$100,000 with the cost being split by the two departments for a cost of \$50,000 each. The Department of State is requesting \$50,000 in General Revenue. Estimates of funding requests for the second fiscal year cannot be determined until the study is completed. The Department of State did note 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.

IV. 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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Staff Director:

Judy C. McDonald

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