

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 987 Cultural and Historical Programs  
**SPONSOR(S):** Culp and others  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Tourism &amp; Trade</u>	<u>6 Y, 0 N</u>	<u>McGill</u>	<u>Hoagland</u>
2) <u>Economic Expansion &amp; Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy &amp; Budget Council</u>	<u></u>	<u></u>	<u></u>
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5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 987 transfers the Historical Museum grant program and the Museum of Florida History, its programs, and citizen support organization from the Department of State Division of Historical Resources (Chapter 267: Historical Resources), to the Department of State Division of Cultural Affairs (Chapter 265: Memorials, Museums and Fine Arts). The bill revises the start date for appointments to the Florida Historical Commission, amends appointments to the Great Floridian Program ad hoc committee and repeals the Discovery of Florida Quincentennial Commemoration Commission.

This bill does not appear to have a direct fiscal impact on state or local governments, however the repeal of the Discovery of Florida Quincentennial Commemoration Commission removes the need for future expenditures that would be necessary to fund the activities of that Commission.

The bill provides an effective date of July 1, 2008.

## **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:**

##### **Division of Cultural Affairs**

The Division of Cultural Affairs within the Department of State awards, administers, monitors, and evaluates Florida's cultural grant programs, as well as plans and implements programs designed to gain national and international recognition on behalf of Florida artists and arts organizations. The division also disseminates arts related information and fosters the development of a receptive climate for the arts in Florida.

The division is assisted in carrying out its duties by advisory groups. The Florida Arts Council, a 15-member advisory board, advises the Secretary of State on the distribution of grant awards. The Secretary appoints "Grant Review Panels," composed of artists, arts-related professionals and community cultural leaders, to evaluate requests for funds and make recommendations for grant funding to the Florida Arts Council.

Many of the programs administered by the division are governed by Chapter 265, F.S., Memorials, Museums, and Fine Arts.

##### **Division of Historical Resources**

The Division of Historical Resources within the Department of State 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 (16 U.S.C. 470). 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.

The Division of Historical Resources currently manages the Museum of Florida History, and its programs, located in Tallahassee. Opened in 1977, the Museum of Florida History collects, preserves, exhibits, and interprets evidence of past and present cultures in Florida, and promotes knowledge and appreciation of this heritage. As the state history museum, it focuses on artifacts and eras unique to Florida's development and on roles that Floridians have played in national and global events. Through exhibits, educational programs, research, and collections, the Museum reflects the ways that people have shaped and reacted to their cultural and natural environments. The Division also oversees the citizen support organization charged with supporting the Museum as well as the Museum and Capitol gift shops.

The Division of Historical Resources also manages the Historical Museums Grants-in-Aid program, which provides matching support for the development of exhibits on Florida history, as well as for program costs of Florida history museums.

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. 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., calls for the Commission to hold its initial meeting no later than January 2006 to organize and begin its work. By January 2007, a 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.

The Division of Historical Resources receives assistance through citizen involvement in various statutorily required advisory councils appointed by the Governor, President of the Senate and Speaker of the House of Representatives as well as those appointed by the Secretary of State: Florida Historical Commission, Great Floridian Ad Hoc Committee, State Historical Marker Council, Florida Folklife Council, and Grove Advisory Council.

The Florida Historical Commission, an 11-member commission, provides assistance, advice and recommendations to the division in establishing priorities for the identification of assessing significance of historic and archaeological sites and properties, evaluating proposals for state historic markers, and evaluating proposals for awards of grants-in-aid.

Many of the programs administered by the Division of Historical Resources are governed by Chapter 267, F.S., Historical Resources.

## **Proposed Changes**

HB 987 proposes transferring the Historical Museum Grants program and the Museum of Florida History, established in Chapter 267, F.S., from the Division of Historical Resources to the Division of Cultural Affairs. The authority for these programs would be deleted from Chapter 267, F.S., and moved to Chapter 265, F.S. The Legislature has charged the Division of Cultural Affairs with museum related responsibilities, such as the administration of museum grants and the management of loaning art and artifacts to museums for exhibits. By transferring the management of the Museum of Florida History from the Division of Historical Resources, the Division of Cultural Affairs will be allowed to administer the museum and its exhibit programs. Currently, the Division of Cultural Affairs manages grant programs for Youth and Children's Museums, Science Museums, and Art and other Non-Art Museums. The Historical Museums Grants-in-Aid program, which the bill moves to the Division of Cultural Affairs, has similar characteristics to the museum grant programs the Division of Cultural Affairs currently manages. The Historical Museums Grants-in-Aid program would be incorporated into the Department's grant management system, OASIS (Online Arts Services and Information System).

The bill transfers the management from the Division of Historical Resources to the Division of Cultural Affairs by establishing the museum and grant program within the Division of Cultural Affairs statute, Chapter 265, F.S., entitled "Memorials, Museums and Fine Arts" and adds definitions essential to the operation of historical museums, these definitions will now appear in both Chapters. Several existing sections in Chapter 267, F.S., have also been incorporated into Chapter 265, F.S., to ensure the Museum continues to meet accreditation standards of the American Association of Museums, as well as all necessary authority and rights as originally provided in Chapter 267, F.S. These provisions include powers and duties of the division, state policy in regards to historic properties, objects of historical or archaeological value, and publications, those provisions will also remain in Chapter 267, F.S.

The bill provides for the incorporation of the Museum's existing citizen support organization into s. 265.703, F.S., along with the existing exemption to protect the anonymity of financial donors to the Museum. The exemption currently provided in s. 267.17(3), F.S., would be transferred to s. 265.703, F.S., as it applies to the Museum.

The bill also gives authority to the Division of Cultural Affairs to publish, collect, encourage writing of documents relating to Florida history and to charge for such publication. Revenue collected from this endeavor is to be deposited into the Grants and Donations Trust Fund or into the citizen support organization account subject to provisions in the annual letter of agreement with the Department. This authority for publication will also remain with Division of Historical, in 267.081, F.S.

The bill amends 267.0612, F.S. Currently, the number of members serving on the Florida Historical Commission, their duties, method of appointment, and member qualifications are provided in law but the statute does not currently provide a specific date for appointed member terms to commence. The bill provides these terms shall begin on January 1 of the appointment year.

The bill amends the provision in s. 267.0731, F.S. for appointment of members to the Ad Hoc Committee deleting an appointment by the non-profit citizen support organization for the Museum of Florida History and adding an appointment by the Secretary of State.

Currently, the Museum of Florida History is identified as the depository for films or videotapes produced for the Great Floridian Program, s. 267.0731, F.S. The bill amends the statute to provide that the State Library and Archives in the Department of State, which is better equipped to preserve and catalog video artifacts and make them available to citizens, be the depository.

HB 987 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. The state will continue to plan for the celebration (along with the Office of Tourism, Trade and Economic Development, VISIT FLORIDA, the government of Spain, native tribes, and other state and local agencies, including constituency groups).

#### C. SECTION DIRECTORY:

Section 1: Creates Section 265.7025, F.S., to provide definitions of Agency, Division, Florida History Museum, Historic Property, and Preservation for the purposes of ss. 265.7025-265.709, F.S.

Section 2: Amends Section 265.703, F.S., to provide that citizen support organizations may be established for historical and museum programs within the Division of Cultural Affairs and that any funds received from rentals of facilities and properties managed by the division be held in the Grants and Donations Trust Fund. This section also maintains the confidentiality of the identity of donors to the Museum of Florida History citizen support organization.

Section 3: Creates Section 265.704, F.S., providing that the Division of Cultural Resources may adopt rules, enter into contracts, and accept gifts, grants, and endowments in relation to the division's powers. Also provided is language carried over from s. 267.071, F.S., outlining the duties of the division to promote and encourage knowledge and appreciation of Florida history. This also provides that the division manage the Museum of Florida History.

Section 4: Creates Section 265.705, F.S., and contains language carried over from s. 267.061, F.S., outlining the state policy in regards to historic properties.

Section 5: Creates Section 265.706, F.S., and contains language carried over from s. 267.115, F.S., providing provisions in regards to objects of historical or archaeological value to the State of Florida. Provisions include the inventory of items within the Division of Cultural Resources' possession, the loaning of items, and selling of items.

Section 6: Renumbers Section 267.072, F.S., as Section 265.707, F.S., and authorizes the Division of Cultural Affairs to operate the Museum of Florida History and other historical museums. The bill also authorizes the division to operate additional stores associated with the museum.

Section 7: Renumbers Section 267.0619, F.S., as Section 265.708, F.S., directing the Division to administer the Historical Museum Grant Programs. Removes provision allowing grants to be made to for profit corporations.

Section 8: Creates Section 265.709, F.S., relating to publications and authorizes the division to print pamphlets, papers, manuscripts, documents, books, monographs, and other materials relating to Florida history.

Section 9: Amends Section 267.0612, F.S., providing that after June 30, 2008, appointments made to the Florida Historical Commission shall begin on January 1 of the year of appointment.

Section 10: Amends Section 267.071, F.S., deleting the reference to the Museum of Florida History from within the Historical Resources Chapter.

Section 11: Amends Section 267.0731, F.S., deleting the reference to the Museum of Florida History's citizen support organization from the Chapter and naming the Department of State as the repository of any film or videotape produced within the Great Floridians Program. Authority is given to the Secretary of State make appointments to the Great Floridians Committee.

Section 12: Repeals Section 267.174, F.S., which established the Discovery of Florida Quincentennial Commemoration Commission.

Section 13: Provides an effective date of July 1, 2008.

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

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

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **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:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill does not provide new or additional rulemaking authority to the Department. Existing rulemaking authority is duplicated within the Division of Cultural Affairs that was in the Division of Historical Resources to adopt rules in order to implement the provisions contained in sections 265.7025-265.709, F.S. The Department of State may also adopt rules that prescribe criteria for the inventory and for the loan, exchange, sale, transfer, or other disposal of state-owned objects of historical or archeological value.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **D. STATEMENT OF THE SPONSOR**

No statement provided.

### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**