

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: CS/SB 396

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Detert and Gaetz

SUBJECT: Florida Historic Capitol

DATE: February 18, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kim	McVaney	GO	Fav/CS
2.			AGG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 396 creates the Florida Historic Capitol Museum Council within the legislative branch. The Council will work with the Florida Historic Capitol Museum's (Capitol Museum) staff to create a strategic plan to guide the Council's mission, ensure that the Capitol Museum preserves legislative history and operates according to best practices, meet with the board of directors of the Capitol Museum's direct support organization, and assist the staff in planning legislative reunions.

The bill provides a statutory update that reflects the current structure of the Florida Historic Capitol Museum. The bill abolishes the Florida Legislative Research Center at the Historic Capitol and its citizen's support organization. Funding and advisory efforts will be transferred to the currently existing Florida Historical Capitol Foundation (Foundation) and the Capitol Museum. The bill increases the number of board members of the Foundation to 21 members.

The bill provides that the funds from the sale of specialty license plates which were previously disbursed to the citizen's support organization will be distributed to the direct support organization.

This bill changes the title of the Capitol Curator to Museum Director.

II. Present Situation:

The current Florida Historic Capitol (Historic Capitol) was built in 1845, and several additions were made since that time. In 1981, the Legislature provided for the restoration of the Historic Capitol to its 1902 appearance and made provisions for the use of the Historic Capitol as a museum.¹ The mission of the Florida Historic Capitol Museum, as it is known today, is:

to illuminate the past, present and future connection between the people of Florida and their political institutions through programs of civic education, historic interpretation, and preservation.²

The Historic Capitol is run operationally by the Capitol Curator, a position that was also created in 1981.³ Currently, the Capitol Curator is appointed by the President of the Senate and the Speaker of the House of Representatives.⁴ The Capitol Curator is tasked with promoting and maintaining the Florida Historic Capitol and preserving artifacts.⁵ The Capitol Curator also assists the Florida Legislative Research Center at the Historic Capitol (Center), with raising funds and making expenditures.⁶ In keeping with the position's duties, the term "Capitol Curator" is no longer used, and the title "Coordinator" is used instead.⁷

The Center was incorporated in 2003, and the mission of the Center is to collect and preserve Florida's legislative history.⁸ The Center provides advice to staff and also has an arm that functions as a nonprofit citizens support organization (CSO).⁹ The Center originally started as an advisory committee in 1998 and was located on the campus of Tallahassee Community College.¹⁰

In 2006, the Center moved to the Historic Capitol, and the two entities merged to create the Florida Historic Capitol Museum (Capitol Museum).¹¹ That same year, Legislature took over funding for the Center and the Capitol Museum from the Department of State.¹²

¹ Ch. 81-232, s. 1, Laws of Fla.

² Florida Historic Capitol Museum, <http://www.flhistoriccapitol.gov/about.cfm#mission> (last visited Feb. 13, 2015).

³ Ch. 81-231, s. 2, Laws of Fla.

⁴ Ch. 2006-111, s. 6, Laws of Fla. Section 272.135(1), F.S.

⁵ Section 272.135(2), F.S.

⁶ Section 272.135(3), F.S.

⁷ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

⁸ Florida Legislative Research Center, <http://www.flrcm.gov/about.cfm#mission> (last visited Feb. 13, 2015).

⁹ Section 272.129(4), F.S. The Florida Legislative Research Center is the business name used by The Florida Legislative Historic Preservation Corporation. The Articles of Incorporation of The Florida Legislative Historic Preservation Corporation, A Florida Nonprofit Corporation, can be found at <http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=PreviousList&searchNameOrder=FLORIDAHISTORICCAPITOLFOUNDATI%20N100000041000&aggregateId=domnp-n10000004100-adb8da5e-b0dd-4973-93bb-7dbd6ac60cf5&searchTerm=florida%20historic&listNameOrder=FLORIDAHISTORICALAVIATIONMUSEU%20N144290> (last visited Feb. 13, 2015).

¹⁰ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹¹ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹² Ch. 2006-111, s. 5, Laws of Fla.

In 2009, the Legislature authorized the Center and the Capitol Curator to establish a direct support organization (DSO) to provide assistance and fundraising for the Center and the Historic Capitol.¹³ (The statute has not been updated to reflect that the two entities had merged in 2006 and were operating as the Capitol Museum.) The Florida Historical Capitol Foundation (Foundation) was created at that time and currently acts as an advisory board and a nonprofit DSO for the Center and the Historic Capitol. The Foundation was created to promote and support the Florida Historic Capitol.¹⁴ The Foundation is governed by a board of directors consisting of up to 11 members who are appointed to three year terms.¹⁵ Board members serve without compensation but are entitled to be reimbursed for per diem and travel expenses.

Additional funding for the Florida Historic Capitol comes from specialty license plates for former members of Congress and former members of the Legislature.¹⁶ A specialty license plate costs \$500.00, \$450.00 of which goes benefits the Center and \$50.00 is deposited in the Highway Safety Operating Trust Fund.

Current statutes do not reflect the changes in the function and status of the Center (and its CSO), the Foundation, the Capitol Museum and the curator that have evolved over time.¹⁷

III. Effect of Proposed Changes:

The bill repeals the statutory authority of the Center relating to CSO and the DSO associated with the Historic Capitol. The term “Florida Historic Capitol Museum” will replace references to the Center and the Historic Capitol as two separate entities, thereby reflecting the merger that occurred in 2006. While not directed by law, the CSO’s funds will be transferred to the Foundation.¹⁸ This consolidation will reduce duplication of effort and expenditures incurred by the Capitol Museum. The bill provides that funds from specialty license plates will be directed to the Foundation rather than to the Center.

The bill creates the Florida Historic Capitol Museum Council (Council). The Council is composed of the following 12 members: the Secretary of the Senate, the Clerk of the House of Representatives, the Sergeants at Arms of both chambers, and three members appointed by the President of the Senate and three members appointed by the Speaker of the House. Of those appointed by each presiding officer, one member must be a current member of the Legislature, and two members must be former legislators or officers of the Legislature. The board of directors of the Foundation will appoint two of its members to the Council. Council members will act as advocates for the Capitol Museum and serve without compensation.

¹³ Section 272.136, F.S.

¹⁴ Florida Historic Capitol Museum, <http://www.flhistoriccaptol.gov/foundation.cfm> (last visited on Feb. 11, 2015).

¹⁵ Section 272.136(1), F.S.

¹⁶ Section 320.0807(6), F.S.

¹⁷ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight and Accountability.

¹⁸ Florida Historic Capitol Museum Summary of Strategic Restructuring Proposal, dated August 4, 2014, on file with the Senate Committee on Governmental Oversight and Accountability.

The Council will ensure that the Capitol Museum focuses on preserving legislative history and ensure that the Capitol Museum operates according to the best practices to maintain the public trust. The Council will prepare a strategic plan and present the plan to the presiding officers of each chamber. The bill also requires the Council to periodically review the Capitol Museum's strategic plan, and ensure that the Capitol Museum stays focus on preserving legislative history and operates according the ethical standards and best practices of the field. The Council will also meet with the board of directors of the Capitol Museum's DSO annually.

The bill renames the position of Capitol Curator to Florida Historic Capitol Museum Director (Director). This change reflects the expansion of the duties associated with the position.

The bill provides that the Council and the Director may establish a DSO, which will be governed by a board of directors. The bill maintains the substantive language in current law providing for a DSO with two changes. First, the board may increase its membership to as many as 21 members, rather than the 11 currently allowed by law. Second, the bill amends the current statute by specifying that DSO funds are to be used to reimburse per diem and travel expenses. The current law does not state who is responsible for making reimbursements. In effect, these changes will alter the structure of the Foundation's board and clarify that Foundation funds will be used for reimbursements.

The Capitol Museum will not be eligible for accreditation unless its governance documentation accurately reflect its current structure and funding sources.¹⁹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁹ 2015 Legislative Bill Analysis, Florida Historic Capitol Museum, SB 396, on file with the Senate Committee on Governmental Oversight.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Government sector impact will be minimal. The Capitol Museum estimates that the fiscal impact of this bill will be minimal, as costs related to running two support organizations will be reduced and staffing requirements will remain the same.²⁰

The impact on the Department of Highway and Safety will be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 272.129, 272.135, 272.136, and 320.0807 of the Florida Statutes. This bill creates section 272.131 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Governmental Oversight and Accountability on February 17, 2015:**

The CS clarifies that of the three appointees to the Council, the presiding officer of each chamber must choose one current legislator, and the other two appointees must be either former legislators or former officers of the Legislature. The CS amends the title to reflect that the Center does not currently exist as entity and is therefore, not being renamed.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ *Id.*