

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5301 PCB SAT 22-01 Capitol Center

SPONSOR(S): State Administration & Technology Appropriations Subcommittee, Stevenson

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Administration & Technology Appropriations Subcommittee	14 Y, 0 N	Helping	Topp
1) Appropriations Committee	27 Y, 0 N	Helping	Pridgeon

SUMMARY ANALYSIS

Chapter 272, F.S., provides that the Capitol Center is under the general control and supervision of the Department of Management Services (DMS), which includes the management and maintenance of both the grounds and buildings. The management, maintenance, and upkeep of the Capital Complex is also the obligation of DMS. Section 281.01, F.S., defines the Capitol Complex as the Capitol Building, the Historic Capitol, Senate Office Building, House Office Building, Knott Building, Pepper Building, and the Holland Building. DMS is authorized to allocate space to house various departments, agencies, boards, and commissions except the Supreme Court Building. However, there is no statutory authority allowing DMS to close the Capitol Center, or any other DMS managed buildings, to the public during a declared state of emergency.

DMS is required to set aside an area of the Capitol Center to dedicate a memorial garden on which authorized monuments must be placed. The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design and placement of the monument is approved by DMS after considering the recommendations of the Florida Historical Commission.

The bill requires DMS to:

- Consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before closing or reopening buildings within the Capitol Center during and after a state of emergency.
- Submit a Capitol Center maintenance and upkeep report by December 1, 2022, and annually thereafter to the Governor, President of the Senate, and the Speaker of the House of Representatives.
- Consult with by the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, and Speaker of the House of Representatives, prior to implementing a change in design or functional use of the Capitol Complex and before constructing and placing a monument on the premises of the Capitol Center.

The bill conforms to the proposed House of Representatives' Fiscal Year 2022-2023 General Appropriation Act (GAA). Since Fiscal Year 2016-2017, DMS has been provided a total of \$178.9 million for major repairs, maintenance, and renovation of the Capitol Complex. The GAA contains funds for the continued renovation and maintenance of the Capitol Building and grounds. See Fiscal Comments.

The bill is effective July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Managing the Capitol Center

Chapter 272, F.S., provides that the Capitol Center¹ is under the general control and supervision of the Department of Management Services (DMS),² which includes the management and maintenance of both the grounds and buildings.³ Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.⁴ This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.⁵ After an entity is assigned a designated space within the Capitol Center for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with DMS.⁶

The term "Capitol Complex" is defined to include:

that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.⁷

The management, maintenance, and upkeep of the Capital Complex is the obligation of DMS, which has authority to employ a superintendent of the grounds and other employees, and is authorized to designate or appoint a nonsalaried advisory committee to advise them.⁸

DMS is authorized to allocate space to house various departments, agencies, boards, and commissions except the Supreme Court Building.⁹ However, there is no statutory authority allowing DMS to close the Capitol Center, or any other DMS managed buildings, to the public during a declared state of emergency.

Capitol Complex Monuments

A monument is defined as "a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of a significant person or event in Florida history."¹⁰ DMS is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.¹¹ The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design

¹ Section 272.12, F.S., describes the Tallahassee area bound by South Martin Luther King, Jr. Boulevard, East and West College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

² S. 272.03, F.S.

³ S. 272.09, F.S.

⁴ S. 272.07, F.S.

⁵ Department of Management Services, Senate Bill 608 Agency Analysis (February 19, 2014). The analysis is on file with State Administration & Technology Appropriations Subcommittee staff.

⁶ *Id.*

⁷ S. 281.01, F.S.

⁸ S. 272.09, F.S.

⁹ S. 272.04, F.S.

¹⁰ S. 265.111(1), F.S.

¹¹ S. 265.111(3), F.S.

and placement of the monument is approved by DMS after considering the recommendations¹² of the Florida Historical Commission.¹³ Additionally, DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.¹⁴

Effects of the Bill

Maintenance and Management

The bill amends s. 272.09, F.S., to require DMS to submit a Capitol Center maintenance and upkeep report by December 1, 2022, and annually thereafter to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must describe the Capitol Center maintenance and repairs provided in the prior year and planned for the upcoming year and must include the costs of prior repairs and cost estimates for future repairs. Additionally, the report should describe any necessary structural modifications, security improvements, and major repairs to the buildings and grounds.

The bill amends s. 272.04, F.S., to require DMS to consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before closing buildings within the Capitol Center during a state of emergency declared pursuant to s. 252.36, F.S. Additionally, if buildings within the Capitol Center are closed, DMS is required to consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before reopening buildings.

Additionally, the bill specifies that any facilities project within the Capitol Complex that requires a change in design or functional use of the Capitol Complex must be developed in consultation with, and may not be implemented, changed, or amended unless approved by, the following persons:

- The Governor, or his or her designee.
- The Attorney General, or his or her designee.
- The Chief Financial Officer, or his or her designee.
- The Commissioner of Agriculture, or his or her designee.
- The President of the Senate, or his or her designee.
- The Speaker of the House of Representatives, or his or her designee.

Capitol Complex Monuments

The bill amends s. 265.111, F.S., to require the construction and placement of a monument on the premises of the Capitol Complex is approved, after considering the recommendations of DMS and the Florida Historical Commission, by the following persons:

- The Governor, or his or her designee.
- The Attorney General, or his or her designee.
- The Chief Financial Officer, or his or her designee.
- The Commissioner of Agriculture, or his or her designee.
- The President of the Senate, or his or her designee.
- The Speaker of the House of Representatives, or his or her designee.

The bill amends s. 267.0612, F.S., to specify that the Florida Historical Commission shall make recommendations on design and placement of monuments authorized by law to be placed on the premises of the Capitol Complex to the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives.

B. SECTION DIRECTORY:

¹² The Florida Historical Commission is required to provide recommendations to DMS on the design and placement of monuments authorized by general law pursuant to s. 267.0612(9), F.S.

¹³ S. 265.111(2), F.S.

¹⁴ *Id.*

- Section 1. amends s. 265.111, F.S., relating to Capitol Complex monuments.
Section 2. amends s. 267.0612, F.S., modifying recommendations of the Florida Historical Commission.
Section 3. amends s. 272.04, F.S., relating to closure of the Capitol Complex buildings.
Section 4. amends s. 272.09, F.S., requiring DMS to submit a report.
Section 5. provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires DMS to produce an annual Capitol Center Maintenance and Upkeep Report by December 1, 2022, and annually thereafter related to funding needed for the Capital Center repairs and maintenance. The report will allow the Governor and the Legislature to have improved oversight and the ability to plan for upcoming expenditures for repairs and maintenance.

Since Fiscal Year 2016-2017, DMS has been provided a total of \$178.9 million for major repairs, maintenance, and renovation of the Capitol Complex. The House and Senate garage renovations cost approximately \$62.2 million total. A total of \$40.6 million was provided for the rebuilding of Waller Park (west side of the Capitol). Other major funding provided for repairs in recent years include the replacement of the Capitol elevators (\$20.2 million) and the heating and cooling system replacement (\$40.6 million), set to begin in 2022. In 2022, DMS will begin the window replacement project for the Capitol Building and the House and Senate Office Buildings (\$15.3 million provided to date).¹⁵

The bill conforms to the proposed House of Representatives' Fiscal Year 2022-2023 General Appropriation Act (GAA). The GAA contains funds for the continued renovation and maintenance of the Capitol Building and grounds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

¹⁵ Email from Patrick Gillespie, Deputy Secretary of Business Operations, Department of Management Services, RE: FCO Numbers (Jan. 31, 2022).

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.