

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 Appropriations

BILL: CS/CS/SB 396

INTRODUCER: Appropriations Committee; Governmental Oversight and Accountability Committee; and Senators Detert and others

SUBJECT: Florida Historic Capitol

DATE: March 18, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Favorable</u>
3.	<u>Davis</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 396 creates the Florida Historic Capitol Museum Council (Council) within the legislative branch. The Council will provide guidance and support to assist the Florida Historic Capitol Museum's (Capitol Museum) Director and staff to create a strategic plan to guide the activities of the Capitol Museum, 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 the Biennial Joint Legislative Reunion.

The bill updates statutes to reflect 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.

According to the Florida Historic Capitol Museum and the Department of Highway Safety and Motor Vehicles, the bill has an insignificant fiscal impact.

The bill is effective July 1, 2015.

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 its use 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 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

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.

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, the Legislature transferred responsibilities for the Center and the Capitol Museum from the Department of State.¹²

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 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 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 13 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

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.

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.

appointed by each presiding officer, two members must be former legislators or officers of the Legislature and one must be a representative of the general public. The board of directors of the Foundation will appoint three of its members to the Council. Council members will act as advocates for the Capitol Museum and serve without compensation.

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 provide guidance and support to assist the Museum Director and staff in developing a strategic plan. The Museum Director must 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 focused 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, effective July 1, 2015, to as many as 21 members, rather than the 11 currently allowed by law. The additional board members are appointed for three-year terms. 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.

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

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Capitol Museum estimates that the fiscal impact of CS/CS/SB 396 will be minimal, as costs related to running two support organizations will be reduced and staffing requirements will remain the same.²⁰

The Department of Highway Safety and Motor Vehicles' Information Systems Administration Office will require approximately 30 hours of non-recurring programming modifications in order to implement the provisions of this bill. The cost of \$1,200 will be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 272.129, 272.135, 272.136, and 320.0807.

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/CS by Appropriations on March 18, 2015:**

The committee substitute:

- Increases the membership of the Council from 12 to 13 members.
- Specifies the qualifications of appointed Council members. Specifically, appointed members should be experts in, or hold credentials in, the fields most directly related to the mission of the Capitol Museum, including, but not limited to: history,

²⁰ *Id.*

education, historic preservation, legal history, or political science, or be leaders in their respective communities or statewide, with demonstrated success in building community support for cultural institutions.

- Requires the presiding officer of each chamber to appoint to the Council someone who is a representative of the general public.
- Requires Council members to provide guidance and support to assist the Museum Director and staff in developing a strategic plan to guide the activities of the Capitol Museum.
- Specifies Council members must assist Capitol Museum staff in planning the Biennial Joint Legislative Reunion.
- Deletes Council member responsibilities that required members to:
 - Serve as a liaison to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and
 - Cultivate relationships with legislative staff to advance the mission and activities of the Capitol Museum.

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.