

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 513 Florida Holocaust Memorial

**SPONSOR(S):** Government Operations Appropriations Subcommittee; Moskowitz and others

**TIED BILLS:** **IDEN./SIM. BILLS:** HB 405, SB 716

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N	Toliver	Williamson
2) Government Operations Appropriations Subcommittee	10 Y, 0 N, As CS	White	Topp
3) State Affairs Committee			

### SUMMARY ANALYSIS

There are numerous Holocaust memorials, monuments, and museums worldwide, of which at least five are located in Florida.

The bill establishes the Florida Holocaust Memorial and provides that it is administered by the Department of Management Services (DMS). The bill directs the DMS to develop a plan for the design, placement, and cost of the memorial. The plan shall include the designation of an appropriate public area for the memorial on the premises of the Capitol Complex, but not including the State Capital Circle Office Complex. The DMS will submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 15, 2017.

The bill has an insignificant fiscal impact on the Department of Management Services. It does not appear to have a fiscal impact on local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Holocaust Memorials and Museums in Florida

The Holocaust was a genocide in which approximately six million Jews were killed by the Nazi regime and its collaborators during World War II.

There are numerous memorials, monuments, and museums worldwide, of which at least five are located in Florida. The Florida memorials and museums include:

- A memorial on the Temple B’Nai Israel property in Clearwater;<sup>1</sup>
- The Florida Holocaust Museum in St. Petersburg;<sup>2</sup>
- The Holocaust Memorial Resource and Education Center of Florida in Maitland;<sup>3</sup>
- A memorial in Miami Beach;<sup>4</sup> and
- The Holocaust Museum and Education Center of Southwest Florida in Naples.<sup>5</sup>

##### Capitol Center

The Capitol Center<sup>6</sup> is under the general control, custodianship, and supervision of the Department of Management Services (DMS).<sup>7</sup> This also includes the management, maintenance, and upkeep of both the grounds and buildings.<sup>8</sup> DMS may provide for the establishment of parks, drives, walkways, and parkways on the grounds of the Capitol Center.<sup>9</sup> 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.<sup>10</sup>

##### Capitol Complex Monuments

Section 281.01, F.S., defines the term “Capitol Complex” as:

[T]hat 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.

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<sup>1</sup> Holocaust Memorial in Clearwater, Florida, available at [http://www.waymarking.com/waymarks/WM7JP0\\_Holocaust\\_Memorial\\_Clearwater\\_FL](http://www.waymarking.com/waymarks/WM7JP0_Holocaust_Memorial_Clearwater_FL) (last visited Jan. 23, 2016).

<sup>2</sup> Florida Holocaust Museum, Florida Holocaust Museum History, available at <https://www.flholocaustmuseum.org/about/fhm-history/> (last visited Jan. 8, 2016).

<sup>3</sup> Holocaust Memorial Resource & Education Center of Florida, About Us, available at [http://www.holocaustedu.org/about\\_us](http://www.holocaustedu.org/about_us) (last visited Jan. 9, 2016).

<sup>4</sup> The Holocaust Memorial Miami Beach, History of the Holocaust Memorial, available at <http://holocaustmemorialmiamibeach.org/about/history/> (last visited Jan. 8, 2016).

<sup>5</sup> The Holocaust Museum & Education Center of Southwest Florida, Our Mission, available at <http://www.holocaustmuseumswfl.org/our-mission/> (last visited Jan. 8, 2016).

<sup>6</sup> Section 272.12(1), F.S., describes the Capitol Center as the Tallahassee area bounded by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way.

<sup>7</sup> Section 272.03(1), F.S.

<sup>8</sup> Section 272.09, F.S.

<sup>9</sup> Section 272.07, F.S.

<sup>10</sup> Department of Management Services, HB 731 Analysis (Feb. 19, 2014) (copy on file with the Government Operations Subcommittee).

A monument<sup>11</sup> may not be constructed or placed on the premises of the Capitol Complex 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.<sup>12</sup> DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.<sup>13</sup> DMS, in consultation with the Florida Historical Commission, must set aside an area of the Capitol Complex to be dedicated as a memorial garden for the placement of authorized monuments.<sup>14</sup>

### Division of Historical Resources

The Division of Historical Resources, which is established within the Department of State,<sup>15</sup> in part, is responsible for:

- Developing a comprehensive statewide historic preservation plan.
- Directing and conducting a comprehensive statewide survey of historic resources and maintaining an inventory of such resources.
- Ensuring that historic resources are taken into consideration at all levels of planning and development.
- Providing public information, education, and technical assistance relating to historic preservation programs.<sup>16</sup>

### Florida Historical Commission

The Florida Historical Commission (Commission) was established to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.<sup>17</sup> The Commission is created within the Department of State and is tasked with advising and assisting the Division of Historical Resources in carrying out its programs, duties and responsibilities.<sup>18</sup>

The Commission is composed of 11 members. Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State, two by the President of the Senate, and two by the Speaker of the House of Representatives.<sup>19</sup> The Commission must include:

- A licensed architect with expertise in historic preservation and architectural history;
- A professional historian in the field of American history;
- A professional architectural historian;
- An archaeologist specializing in the field of prehistory;
- An archaeologist specializing in the historic period; and
- Representatives of the public with demonstrated interest in the preservation of Florida's historical and archaeological heritage.<sup>20</sup>

The Commission must provide assistance, advice, and recommendations to the Division of Historical Resources.<sup>21</sup> Section 267.0612(9), F.S., also requires the Commission to provide recommendations to DMS on the design and placement of monuments authorized by general law to be placed on the premises of the Capitol Complex pursuant to s. 265.111, F.S.

### **Effect of the Bill**

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<sup>11</sup> Section 265.111(1), F.S., defines the term "monument" to mean a permanent structure such as a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of significant person or event in Florida history. The term does not include any "Official Florida Historical Marker" as defined in s. 267.021, F.S.

<sup>12</sup> Section 265.111(2), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> Section 265.111(3), F.S.

<sup>15</sup> Section 20.10(2)(b), F.S.

<sup>16</sup> *See* s. 267.031(5), F.S.

<sup>17</sup> Chapter 2001-199, L.O.F.; codified as s. 267.0612, F.S.

<sup>18</sup> Section 267.0612, F.S.

<sup>19</sup> Section 267.0612(1)(a)1., F.S.

<sup>20</sup> *Id.*

<sup>21</sup> *See* s. 267.0612(6), F.S.

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**B. SECTION DIRECTORY:**

Section 1 creates s. 265.005, F.S., establishing the Florida Holocaust Memorial.

Section 2 provides an effective date of July 1, 2016.

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

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

1. Revenues:

None.

2. Expenditures:

There is an insignificant fiscal impact on the Department of Management Services to develop the plan; however, the impact can be handled within existing resources.

**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:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

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

None.

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

On February 8, 2016, the Government Operations Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Removes the provisions requiring the DMS to construct and place the memorial.
- Requires the DMS to develop a plan for the design, placement, and cost of the memorial.
- Provides that the DMS will submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 15, 2017.

The staff analysis is drafted to reflect the committee substitute.