

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 27 Florida Slavery Memorial

**SPONSOR(S):** Government Operations & Technology Appropriations Subcommittee, McGhee and others

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 1722

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Oversight, Transparency & Administration Subcommittee	14 Y, 0 N	Whittaker	Harrington
2) Government Operations & Technology Appropriations Subcommittee	12 Y, 0 N, As CS	Keith	Topp
3) Government Accountability Committee			

### SUMMARY ANALYSIS

A monument 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 the Department of Management Services (DMS) after considering the recommendations of the Florida Historical Commission. Although various monuments have been authorized for placement at the Capitol Complex, there is not a slavery memorial.

The bill establishes the Florida Slavery Memorial and requires DMS to administer the memorial and to designate an appropriate public area for the memorial on the Capitol Complex. DMS must construct the memorial after considering the recommendations of the Florida Historical Commission and coordinate with the Division of Historical Resources of the Department of State in regards to the memorial's design and placement.

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

The bill provides an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

###### Capitol Complex Monuments

A monument<sup>1</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 the Department of Management Services (DMS) after considering the recommendations of the Florida Historical Commission.<sup>2</sup> DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.<sup>3</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>4</sup>

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.

Current law authorizes various memorials for placement at the Capitol Complex, including:

- The Florida Veterans' Walk of Honor;<sup>5</sup>
- The Florida Veterans' Memorial Garden;<sup>6</sup>
- The POW-MIA Chair of Honor Memorial;<sup>7</sup>
- Florida Law Enforcement Officers' Hall of Fame;<sup>8</sup>
- Florida Women's Hall of Fame;<sup>9</sup> and
- The Florida Holocaust Memorial.<sup>10</sup>

There is not a Slavery Memorial currently in Florida.

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<sup>1</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>2</sup> Section 265.111(2), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 265.111(3), F.S.

<sup>5</sup> Section 265.0031, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 265.00301, F.S.

<sup>8</sup> Section 265.0041, F.S.

<sup>9</sup> Section 265.001, F.S.

<sup>10</sup> Section 365.005, F.S.

## Division of Historical Resources

The Division of Historical Resources, which is established within the Department of State,<sup>11</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>12</sup>

## Florida Historical Commission

The Florida Historical Commission (commission) was established in 2001 to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.<sup>13</sup> The commission is part of 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>14</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>15</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>16</sup>

The Commission must provide assistance, advice, and recommendations to the Division of Historical Resources.<sup>17</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.

## **Effect of the Bill**

The bill establishes the Florida Slavery Memorial to recognize the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the American Colonies and to honor nameless and forgotten men, women, and children who have gone unrecognized for their undeniable and weighty contributions to the United States. It requires DMS to administer the memorial and set aside an appropriate public area for the memorial on the premises of the Capitol Complex.<sup>18</sup>

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<sup>11</sup> Section 20.10(2)(b), F.S.

<sup>12</sup> Section 267.031(5), F.S.

<sup>13</sup> Chapter 2001-199, L.O.F.; codified as s. 267.0612, F.S.

<sup>14</sup> Section 267.0612, F.S.

<sup>15</sup> Section 267.0612(1)(a)1., F.S.

<sup>16</sup> *Id.*

<sup>17</sup> *See* s. 267.0612(6), F.S.

<sup>18</sup> The bill specifies that the memorial will not be on the State Capital Circle Office Complex. The "Capitol Complex" is generally the buildings bound by Monroe Street, Jefferson Street, Duval Street, and Gaines Street in Tallahassee.

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, not including the State Capital Circle Office Complex. The DMS is required to submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

**B. SECTION DIRECTORY:**

Section 1      Creates s. 265.006, F.S., establishing the Florida Slavery Memorial.

Section 2      Provides an effective date of July 1, 2017.

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

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

1. Revenues:

None.

2. Expenditures:

There is an insignificant fiscal impact to expenditures of the DMS to develop a plan for the design, placement, and cost of the memorial. Costs associated with developing the plan 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 April 4, 2017, the Government Operations and Technology Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Requires the DMS to develop a plan for the design, placement, and cost of the memorial; and
- Provides that the DMS will submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The staff analysis is drafted to reflect the committee substitute.