

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 Appropriations Subcommittee on General Government

BILL: SB 286

INTRODUCER: Senator Rouson

SUBJECT: Florida Slavery Memorial

DATE: January 9, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AGG</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 286 establishes the Florida Slavery Memorial. The Capitol Complex has on its grounds various memorials and monuments; however, no memorial or monument concerning slavery currently exists within the Capitol Complex.

The bill requires the Department of Management Services (DMS) to administer the memorial. The DMS is required to develop a plan for the design, placement, and cost of the memorial. The plan must 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 must consider the recommendations of the Florida Historical Commission and must coordinate with the Division of Historical Resources in developing the plan.

Additionally, by November 1, 2018, the DMS must submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The DMS will incur indeterminate costs to implement its responsibilities under the bill.

II. Present Situation:

Managing Agency for the Capitol Center

Section 272.03(1), F.S., provides that the Capitol Center¹ is under the general control and supervision of the DMS,² which includes the management and maintenance of both the grounds and buildings.³ Additionally, the DMS has the authority to provide for the establishment of

¹ Section 272.12, F.S., describes 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 as the Capitol Center.

² Section 272.03, F.S.

³ Section 272.09, F.S.

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 the DMS.

Capitol Complex Monuments

The Capitol Complex includes 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 also includes the State Capital Circle Office Complex located in Leon County, Florida.⁶

A monument⁷ 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 DMS after considering the recommendations of the Florida Historical Commission.⁸ The DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.⁹ In addition, the 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.¹⁰

Chapter 265, F.S., recognizes various memorials and monuments for placement both inside and outside at the downtown Capitol Complex. To date, the Legislature has approved the following memorials:

- Florida Women's Hall of Fame;¹¹
- Florida Medal of Honor Wall;¹²
- Florida Veterans' Hall of Fame;¹³
- POW-MIA Chair of Honor Memorial;¹⁴
- Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden;¹⁵

⁴ Section 272.07, F.S.

⁵ Department of Management Services, *Senate Bill 286 Agency Legislative Bill Analysis* (November 29, 2017) (on file with the Appropriations Subcommittee on General Government).

⁶ Section 281.01, F.S.

⁷ 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.

⁸ Section 265.111(2), F.S. One of the duties of the Florida Historical Commission is to provide recommendations to the department on the design and placement of monuments authorized in general law. (s. 267.0612(9), F.S.)

⁹ *Id.*

¹⁰ Section 265.111(3), F.S.

¹¹ Section 265.001, F.S.

¹² Section 265.002, F.S.

¹³ Section 265.003, F.S.

¹⁴ Section 265.00301, F.S.

¹⁵ Section 265.0031, F.S.

- Florida Tourism Hall of Fame;¹⁶
- Florida Law Enforcement Officers' Hall of Fame;¹⁷
- Florida Holocaust Memorial;¹⁸ and
- Arthur G. Dozier School for Boys Memorial.¹⁹

Additionally, the Legislature approved a memorial garden to house approved monuments at the downtown Capitol Complex. One of the monuments designated for placement in the memorial garden is a monument in remembrance of the 241 members of the United States Air Forces who died on October 23, 1983, in Beirut, Lebanon.²⁰

Division of Historical Resources

The Division of Historical Resources, which is established within the Department of State,²¹ 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.²²

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.²³ 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.²⁴

The commission is composed of 11 members: seven 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.²⁵ 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;

¹⁶ Section 265.004, F.S.

¹⁷ Section 265.0041, F.S.

¹⁸ Section 265.005, F.S.

¹⁹ Section 265.007, F.S.

²⁰ Section 265.111(3), F.S.

²¹ Section 20.10(2)(b), F.S.

²² Section 267.031(5), F.S.

²³ Chapter 2001-199, L.O.F.; codified as s. 267.0612, F.S.

²⁴ Section 267.0612, F.S.

²⁵ Section 267.0612(1)(a)1., F.S.

- 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.²⁶

The commission must provide assistance, advice, and recommendations to the Division of Historical Resources.²⁷ Current law further requires the commission to provide recommendations to the DMS on the design and placement of monuments authorized by general law to be placed on the premises of the Capitol Complex.²⁸

III. Effect of Proposed Changes:

This bill establishes a 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 the nameless and forgotten men, women, and children who have gone unrecognized for their undeniable and weighty contributions to the United States. It requires the DMS to administer the memorial.

The bill requires the DMS to develop a plan for the design, placement, and cost of the memorial. The plan must 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 must consider the recommendations of the commission and must coordinate with the Division of Historical Resources in developing the plan. Additionally, by November 1, 2018, the DMS must submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties or municipalities to spend funds or take an 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.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁶ *Id.*

²⁷ *See* s. 267.0612(6), F.S.

²⁸ Section 267.0612(9), F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DMS will incur indeterminate costs to develop a plan for the design, placement, and cost of the memorial. According to the DMS, costs associated with developing the plan can be handled within existing resources.²⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

The cost to construct the memorial is indeterminate, as the design for the memorial has not been completed. As a comparison, the Legislature recently appropriated \$250,000 for the Fallen Firefighter Memorial.³⁰ In addition, several other statutorily authorized Capitol Complex memorials are administered by direct-support organizations without funding from the state.³¹

VIII. Statutes Affected:

This bill creates section 265.006, Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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

²⁹ Department of Management Services, *Senate Bill 286 Agency Legislative Bill Analysis* (November 29, 2017) (on file with the Appropriations Subcommittee on General Government).

³⁰ Specific Appropriation Item 2739A, Ch. 2014-51, L.O.F.

³¹ Among the statutorily authorized Capitol Complex memorials that are administered without state funds are the Florida Veterans' Walk of Honor (s. 265.0031, F.S.); the Florida Veterans' Memorial Garden (s. 265.0031, F.S.); and the POW-MIA Chair of Honor Memorial (s. 265.00301, F.S.).