

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 Governmental Oversight and Accountability

BILL: CS/SB 1260

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Albritton

SUBJECT: Florida Space Exploration Monument

DATE: February 10, 2020

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Caldwell | Caldwell | MS | Favorable |
| 2. | Hackett | McVaney | GO | Fav/CS |
| 3. | | | AP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1260 establishes a Florida Space Exploration Monument to recognize the importance of the role the state of Florida, and its past, current, and future contributions, in space exploration; to honor the state's residents for their role in humanity's most daring journey of space exploration; and to honor the contribution of all individuals and their families who have gone unrecognized for their contributions to the United States' achievements in space. The Department of Management Services (DMS) is to administer the monument. The DMS, in consultation with Space Florida, must establish a contest for individuals who wish to submit a design for the monument and must appoint a selection committee to choose the design. 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 bill also requires that any competition between sculptors or artists for the design or a monument must be limited to Floridian sculptors and artists.

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

The bill takes effect July 1, 2020.

II. Present Situation:

Florida's Role in Space Exploration

The state of Florida has a long history connected to space exploration. President Dwight D. Eisenhower established the National Aeronautics and Space Administration (NASA) on October 1, 1958. Project Mercury was the first human spaceflight program of the United States. The goals of the program were to place a manned spacecraft in orbit around Earth, investigate man's performance capabilities and ability to function in space, and recover both man and spacecraft safely. Alan B. Shepard, Jr., was America's first man in space, launched in 1961 from Cape Canaveral, Florida. After consideration, Cape Canaveral was chosen by NASA in 1961 as the space launch center for the Apollo program which was tasked with putting a human on the moon. On July 20, 1969, Apollo 11, commanded by Neil Armstrong, along with Lunar Module Pilot Edwin "Buzz" Aldrin, Jr., landed on the moon, while Command Module Pilot Michael Collins orbited above in the command ship, *Columbia*.¹

Between the first launch on April 12, 1981, and the final landing on July 21, 2011, NASA's space shuttle fleet, *Columbia*, *Challenger*, *Discovery*, *Atlantis* and *Endeavour*, flew 135 missions and helped construct the International Space Station. From the launch of the first space shuttle, NASA continued to set high marks of achievement and endurance through 30 years of missions. Starting with *Columbia* and continuing with *Challenger*, *Discovery*, *Atlantis*, and *Endeavour*, the spacecraft has carried people into orbit repeatedly, launched, recovered and repaired satellites, conducted cutting-edge research and built the largest structure in space, the International Space Station. The final space shuttle mission, STS-135, ended July 21, 2011, when *Atlantis* rolled to a stop at its home port, NASA's Kennedy Space Center.²

While NASA will be working towards returning astronauts to the Moon, continuing the exploration of Mars, and developing new technology to make supersonic aircraft fly more quietly,³ private sector entrepreneurs are looking for opportunities in space.⁴

Space Florida

Space Florida was created under the Space Florida Act⁵ as an independent special district, a body politic and corporate and subdivision of state government in 2006 by the Governor and Legislature.⁶ Space Florida is directed to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.⁷ Space Florida is governed by a 13 member independent board of directors, consisting of appointed members of the board of Enterprise Florida, Inc., by

¹ *NASA and the Space Program Change Florida*, Florida Memory, State library and Archives of Florida. Available at <https://www.floridamemory.com/onlineclassroom/nasa/photos/#> (Last visited Jan. 10, 2020).

² NASA Overview, *Space Shuttle Era*, Available at https://www.nasa.gov/mission_pages/shuttle/flyout/index.html, (Last visited Jan. 13, 2020).

³ *What's Next for NASA*; Available at https://www.nasa.gov/about/whats_next.html, (Last visited Jan. 13, 2020).

⁴ *See 10 Major Players in the Private Sector Space Race*, by Nicholas Gerbis; Available at <https://science.howstuffworks.com/10-major-players-in-private-sector-space-race.htm>, (Last visited Jan. 13, 2020).

⁵ Ch. 2006-60, L.O.F.; See ch. 331, F.S.

⁶ Section 331.302, F.S.

⁷ Section 331.302, F.S.

the Governor, the President of the Senate, and the Speaker of the House of Representatives, and the Governor, who shall serve ex officio, or appoint a designee to serve, as the chair and voting member.⁸ The mission statement of Space Florida is “[t]o drive Florida economic development across the global aerospace enterprise.”⁹

Managing Agency for the Capitol Center

Section 272.03(1), F.S., provides that the Capitol Center¹⁰ is under the general control and supervision of DMS,¹¹ which includes the management and maintenance of both the grounds and buildings.¹² Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹³ 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.¹⁴ 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.¹⁵

Capitol Complex Monuments

The construction and placement of a monument on the premises of the Capitol Complex¹⁶ is prohibited 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.¹⁷ Additionally, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.¹⁸ The DMS, in consultation with the Florida Historical Commission, is required to set aside an area of the Capitol Complex to be dedicated as a memorial garden for the placement of authorized monuments. Monuments constructed on or after July 1, 2014, are required to be placed in the memorial garden.¹⁹ Among the statutorily authorized Capitol Complex memorials are:

- The Florida Veterans' Walk of Honor;²⁰

⁸ Section 331.3081, F.S.

⁹ *About Space Florida*, <https://www.spaceflorida.gov/about/last> visited Feb. 4, 2020).

¹⁰ Section 272.12, F.S., describes the Tallahassee area bounded by South Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railroad right-of-way as the Capitol Center.

¹¹ Section 272.03, F.S.

¹² Section 272.09, F.S.

¹³ Section 272.07, F.S.

¹⁴ The Florida Senate Bill Analysis and Fiscal Impact Statement (Apr. 10, 2014), Available at <http://www.flsenate.gov/Session/Bill/2014/608/Analyses/2014s0608.rc.PDF> (last visited Jan. 17, 2020).

¹⁵ *Id.*

¹⁶ Section 281.01, F.S. The term “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 shall also include the State Capital Circle Office Complex located in Leon County, Florida.

¹⁷ Section 265.111(2), F.S.

¹⁸ *Id.*

¹⁹ 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.

²⁰ Section 265.0031, F.S.

- The Florida Veterans' Memorial Garden;²¹
- The Florida Holocaust Memorial;²²
- The Florida Slavery Memorial;²³ and
- The POW-MIA Chair of Honor Memorial.²⁴

Division of Historical Resources

The Division of Historical Resources, within the Department of State, is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.²⁵ Their efforts include cooperating with, advising and assisting federal and state agencies in pursuit of historic preservation.²⁶

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.²⁷ 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.²⁸

The commission is required to provide assistance, advice, and recommendations to the Division of Historical Resources in a variety of areas. One of those areas involves providing 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 pursuant to s. 265.111, F.S.²⁹

III. Effect of Proposed Changes:

Section 1 creates a Florida Space Exploration Monument to be administered by the DMS. In consultation with Space Florida, the DMS must create a contest for individuals who wish to submit a design for the monument. The DMS and Space Florida must appoint a selection committee to select the design of the monument.

The DMS must develop a plan for the design, placement, and cost of the monument. The plan must include the designation of an appropriate public area for the monument on the premises of the Capitol Complex, but does not include the State Capital Circle Office Complex. The DMS must consider the recommendations of the Florida Historical Commission.³⁰ The plan must also include the dates for the design contest and the timeframe for the selection committee to review

²¹ *Id.*

²² Section 265.005, F.S.

²³ Section 265.006, F.S.

²⁴ Section 265.00301, F.S.

²⁵ Section 20.1(2)(b), F.S.

²⁶ Section 267.031, F.S.

²⁷ Chapter 2001-199, L.O.F.

²⁸ Section 267.0612, F.S.

²⁹ Section 267.0612(9), F.S.

³⁰ As required pursuant to ss. 265.111 and 267.0612(9), F.S.

and select a design. The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 9, 2021.

Section 2 creates subsection (4) of s. 265.111, F.S., which provides that any competition between sculptors or artists for the right to design a monument to be placed at the Capitol Complex or any other state building must be limited to Florida residents.

Section 3 provides that the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by section 18 of Article VII of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under the bill, the cost to construct the memorial is indeterminate, as the design for the monument has not been completed. The DMS is required to provide cost information in the plan that is to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 9, 2021.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 265.008 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 by Governmental Oversight and Accountability on February 10, 2020:

The CS provides that any competition between sculptors or artists for the right to design a monument to be placed at the Capitol Complex or any other state building must be limited to Florida residents.

- B. **Amendments:**

None.