

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: HB 5301

INTRODUCER: State Administration and Technology Appropriations Subcommittee; and Representative Stevenson

SUBJECT: Capitol Center

DATE: February 25, 2022

REVISED: 3/1/22

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Davis</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/1 amendment</u>

Please see Section IX. for Additional Information:

AMENDMENTS - Significant amendments were recommended

I. Summary:

HB 5301 requires the Department of Management Services (DMS) to:

- Consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before closing or reopening buildings within the Capitol Center during and after a state of emergency.
- Submit a Capitol Center maintenance and upkeep report by December 1, 2022, and annually thereafter to the Governor, President of the Senate, and the Speaker of the House of Representatives.
- Consult with the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, and Speaker of the House of Representatives, prior to implementing or amending a change in design or functional use of a facilities project within the Capitol Complex.
- Provide recommendations to be considered by the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, and Speaker of the House of Representatives before constructing and placing a monument on the premises of the Capitol Complex.

In addition, the Florida Historical Commission must provide recommendations to the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, and Speaker of the House of Representatives on the design and placement of monuments authorized to be placed on the premises of the Capitol Complex.

The bill conforms to the proposed House of Representatives' Fiscal Year 2022-2023 General Appropriation Act (GAA). Since Fiscal Year 2016-2017, the DMS has been provided a total of \$178.9 million for major repairs, maintenance, and renovation of the Capitol Complex. The GAA contains funds for the continued renovation and maintenance of the Capitol Building and grounds. *See* Section V, Fiscal Impact Statement.

The bill is effective July 1, 2022.

II. Present Situation:

Managing the Capitol Center

Chapter 272, 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 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.⁶

The term "Capitol Complex" is defined to include:

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.⁷

The management, maintenance, and upkeep of the Capital Complex is the obligation of the DMS, which has authority to employ a superintendent of the grounds and other employees, and is authorized to designate or appoint a nonsalaried advisory committee to advise them.⁸

¹ Section 272.12, F.S., describes the Tallahassee area bound by South Martin Luther King, Jr. Boulevard, East and West 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.

⁴ Section 272.07, F.S.

⁵ *See DMS, 2014 Agency Legislative Bill Analysis for SB 608* at 2 (Feb. 19, 2014) (on file with the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government).

⁶ *Id.*

⁷ Section 281.01, F.S.

⁸ Section 272.09, F.S.

The DMS is authorized to allocate space to house various departments, agencies, boards, and commissions except the Supreme Court Building.⁹ However, there is no statutory authority allowing the DMS to close the Capitol Center, or any other DMS managed buildings, to the public during a declared state of emergency.

Capitol Complex Monuments

A monument is defined as “a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of a significant person or event in Florida history.”¹⁰ The DMS is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.¹¹ The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design and placement of the monument is approved by the DMS after considering the recommendations¹² of the Florida Historical Commission.¹³ Additionally, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument’s design and placement.¹⁴

III. Effect of Proposed Changes:

Maintenance and Management

The bill amends s. 272.09, F.S., to require the DMS to submit a Capitol Center maintenance and upkeep report by December 1, 2022, and annually thereafter to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must describe the Capitol Center maintenance and repairs provided in the prior year and planned for the upcoming year and must include the costs of prior repairs and cost estimates for future repairs. Additionally, the report should describe any necessary structural modifications, security improvements, and major repairs to the buildings and grounds.

The bill amends s. 272.04, F.S., to require the DMS to consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before closing buildings within the Capitol Center during a state of emergency declared pursuant to s. 252.36, F.S. Additionally, if buildings within the Capitol Center are closed, the DMS is required to consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before reopening buildings.

Additionally, the bill specifies that any facilities project within the Capitol Complex that requires a change in design or functional use of the Capitol Complex must be developed in consultation with, and may not be implemented, changed, or amended unless approved by, the following persons:

- The Governor, or his or her designee.

⁹ Section 272.04, F.S.

¹⁰ Section 265.111(1), F.S.

¹¹ Section 265.111(3), F.S.

¹² The Florida Historical Commission is required to provide recommendations to DMS on the design and placement of monuments authorized by general law pursuant to s. 267.0612(9), F.S.

¹³ Section 265.111(2), F.S.

¹⁴ *Id.*

- The Attorney General, or his or her designee.
- The Chief Financial Officer, or his or her designee.
- The Commissioner of Agriculture, or his or her designee.
- The President of the Senate, or his or her designee.
- The Speaker of the House of Representatives, or his or her designee.

Capitol Complex Monuments

The bill amends s. 265.111, F.S., to prohibit the construction and placement of a monument on the premises of the Capitol Complex unless authorized by general law and the design and monument placement is proved, after considering the recommendations of the DMS and the Florida Historical Commission, by the following persons:

- The Governor, or his or her designee.
- The Attorney General, or his or her designee.
- The Chief Financial Officer, or his or her designee.
- The Commissioner of Agriculture, or his or her designee.
- The President of the Senate, or his or her designee.
- The Speaker of the House of Representatives, or his or her designee.

The bill amends s. 267.0612, F.S., to specify that the Florida Historical Commission shall make recommendations on design and placement of monuments authorized by law to be placed on the premises of the Capitol Complex to the Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, the President of the Senate, and the Speaker of the House of Representatives.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the DMS to produce an annual Capitol Center Maintenance and Upkeep Report by December 1, 2022, and annually thereafter related to funding needed for the Capital Center repairs and maintenance. The report will allow the Governor and the Legislature to have improved oversight and the ability to plan for upcoming expenditures for repairs and maintenance.

Since Fiscal Year 2016-2017, the DMS has been provided a total of \$178.9 million for major repairs, maintenance, and renovation of the Capitol Complex. The House and Senate garage renovations cost approximately \$62.2 million. A total of \$40.6 million was provided for the rebuilding of Waller Park (west side of the Capitol). Other major funding provided for repairs in recent years include the replacement of the Capitol elevators (\$20.2 million) and the heating and cooling system replacement (\$40.6 million), set to begin in 2022. In 2022, the DMS will begin the window replacement project for the Capitol Building and the House and Senate Office Buildings (\$15.3 million provided to date).¹⁵

The bill conforms to the proposed House of Representatives' Fiscal Year 2022-2023 GAA. The GAA contains funds for the continued renovation and maintenance of the Capitol Building and grounds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 265.111, 267.0612, 272.04, and 272.09.

¹⁵ Email from the Department of Management Services, RE: FCO Numbers (Jan. 31, 2022).

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:**Barcode 521994 by Appropriations on February 28, 2022:**

The amendment:

- Removes requirement that the DMS consult with the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, and Speaker of the House of Representatives prior to implementing or amending a change in design or functional use of a facilities project within the Capitol Complex.
- Defines the term “Capitol Complex”.
- Requires the DMS to submit an annual report detailing the maintenance and upkeep for the Capitol Complex.
- Specifies the DMS may not close or reopen access to any portion of the Capitol Complex used for legislative business without the President of the Senate and the Speaker of the House of Representatives approval.
- Requires the DMS to consult with the Governor, the President of the Senate, and the Speaker of the House of Representatives before closing or reopening access to any portion of the Capitol Complex to the public or certain employees during and after a declared state of emergency.

(WITH TITLE AMENDMENT)