

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 5301 PCB SAT 22-01 Capitol Complex

**SPONSOR(S):** State Administration & Technology Appropriations Subcommittee, Stevenson

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

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**FINAL HOUSE FLOOR ACTION:** 108 Y's 0 N's **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 5301 passed the House on March 14, 2022, as amended by the conference committee, and subsequently passed the Senate on March 14, 2022.

The bill conforms to the Fiscal Year 2022-2023 General Appropriation Act (GAA). Since Fiscal Year 2016-2017, 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 Fiscal Comments.

Chapter 272, F.S., provides that the Capitol Center is under the general control and supervision of the Department of Management Services (DMS), which includes the management and maintenance of both the grounds and buildings. The management, maintenance, and upkeep of the Capital Complex is also the obligation of DMS. Section 281.01, F.S., defines the Capitol Complex as the Capitol Building, the Historic Capitol, Senate Office Building, House Office Building, Knott Building, Pepper Building, and the Holland Building. DMS is authorized to allocate space to house various departments, agencies, boards, and commissions except the Supreme Court Building. However, there is no statutory authority allowing DMS to close the Capitol Center, or any other DMS managed buildings, to the public during a declared state of emergency.

DMS is required to set aside an area of the Capitol Center to dedicate a memorial garden on which authorized monuments must be placed. 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 DMS after considering the recommendations of the Florida Historical Commission.

The bill requires DMS to:

- 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, 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 in response to a declared state of emergency, pursuant to s. 252.36, F.S., to the public or the employees assigned to work in that portion of the Capitol Complex.
- Receive approval of the President of the Senate and the Speaker of the House of Representatives to close or reopen access to any portion of the Capitol Complex used for the legislative business.
- Receive approval from specified officers for the design and placement of a monument.

This bill was approved by the Governor on June 2, 2022, ch. 2022-162, L.O.F., and will become effective on July 1, 2022.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Present Situation

##### Managing the Capitol Center

Chapter 272, F.S., provides that the Capitol Center<sup>1</sup> is under the general control and supervision of the Department of Management Services (DMS),<sup>2</sup> which includes the management and maintenance of both the grounds and buildings.<sup>3</sup> Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.<sup>4</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>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

The management, maintenance, and upkeep of the Capital Complex is the obligation of 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.<sup>8</sup>

DMS is authorized to allocate space to house various departments, agencies, boards, and commissions except the Supreme Court Building.<sup>9</sup> However, there is no statutory authority allowing 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."<sup>10</sup> DMS is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.<sup>11</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> S. 272.03, F.S.

<sup>3</sup> S. 272.09, F.S.

<sup>4</sup> S. 272.07, F.S.

<sup>5</sup> Department of Management Services, Senate Bill 608 Agency Analysis (February 19, 2014).

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

<sup>7</sup> S. 281.01, F.S.

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

<sup>9</sup> S. 272.04, F.S.

<sup>10</sup> S. 265.111(1), F.S.

<sup>11</sup> S. 265.111(3), F.S.

and placement of the monument is approved by DMS after considering the recommendations<sup>12</sup> of the Florida Historical Commission.<sup>13</sup> Additionally, DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.<sup>14</sup>

## **Effects of the Bill**

### Maintenance and Management

The bill defines the term Capitol Complex within s. 272.09, F.S., to mean the following:

the portion of the Capitol Center commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper 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 bill amends s. 272.09, F.S., to require 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 bill specifies that the report must include for the last completed fiscal year, the current fiscal year, and the upcoming fiscal year:

- The Capitol Complex maintenance and repairs completed or planned.
- Any necessary structural modifications and major repairs to the Capitol Complex.
- The costs or cost estimates for all items identified relating to maintenance and repairs completed or planned and structural modifications and major repairs, and
- The schedule for commencement and completion for all items identified relating to maintenance and repairs completed or planned and structural modifications and major repairs.

The bill amends s. 272.09, F.S., to require DMS, in response to a declared state of emergency pursuant to s. 252.36, F.S., 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 the employees assigned to work in that portion of the Capitol Complex. Additionally, the bill specifies that DMS may not close or reopen access to any portion of the Capitol Complex used for legislative business without approval of the President of the Senate and the Speaker of the House of Representatives.

### Capitol Complex Monuments

The bill amends s. 265.111, F.S., to require the construction and placement of a monument on the premises of the Capitol Complex be approved, after considering the recommendations of DMS and the Florida Historical Commission, by the following officers, or his or her designee:

- The Governor.
- The Attorney General.
- The Chief Financial Officer.
- The Commissioner of Agriculture.
- The President of the Senate.
- The Speaker of the House of Representatives.

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

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<sup>12</sup> 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.

<sup>13</sup> S. 265.111(2), F.S.

<sup>14</sup> *Id.*

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The bill requires 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, 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 total. 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, DMS will begin the window replacement project for the Capitol Building and the House and Senate Office Buildings (\$15.3 million provided to date).<sup>15</sup>

The bill conforms to the Fiscal Year 2022-2023 General Appropriation Act (GAA). The GAA contains funds for the continued renovation and maintenance of the Capitol Building and grounds.

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<sup>15</sup> Email from Patrick Gillespie, Deputy Secretary of Business Operations, Department of Management Services, RE: FCO Numbers (Jan. 31, 2022).