

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1189 Monuments

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

TIED BILLS: **IDEN./SIM. BILLS:** SB 1020

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Constitutional Rights, Rule of Law & Government Operations Subcommittee	15 Y, 0 N	Wagoner	Miller
2) State Administration & Technology Appropriations Subcommittee	13 Y, 0 N, As CS	Helpling	Topp
3) State Affairs Committee			

SUMMARY ANALYSIS

The Capitol Complex in Tallahassee includes the Capitol Building, the Historic Capitol, Senate Office Building, House Office Building, Knott Building, Pepper Building, and the Holland Building. The Capitol Complex 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. DMS is authorized to allocate space to house various departments, agencies, boards, and commissions in state buildings other than the Supreme Court Building.

DMS is required to set aside an area of the Capitol Complex which authorizes where monuments must be placed. The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by law. DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.

The bill states it is the intent of the Legislature to recognize the importance of the role of this state, and its past, current, and future contributions, in space exploration. The bill establishes the Florida Space Exploration Monument and specifies that it is to be administered by DMS. DMS, in consultation with Space Florida, is required to establish a contest for individuals to submit designs for the monument and must appoint a selection committee to choose the design. DMS is required to develop a plan for the design, cost, creation and the proper placement of the monument on the premises of the Capitol Complex.

The bill may have a minimal negative fiscal impact on state government. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Role in Space Exploration

The state of Florida has a long history connected to space exploration. Congress established the National Aeronautics and Space Administration (NASA) on October 1, 1958.¹ 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*.²

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, launched, recovered, and repaired satellites, conducted cutting-edge research, 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. 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.³

While NASA is working towards returning astronauts to the Moon, continuing the exploration of Mars, and developing new technology to make supersonic aircraft fly longer and faster,⁴ private sector entrepreneurs are looking for opportunities in space.⁵

Space Florida

Space Florida was created under the Space Florida Act⁶ as an independent special district, a body politic and corporate and subdivision of state government in 2006.⁷ Space Florida is directed to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.⁸ Space Florida is governed by a 13 member independent board of directors, consisting of members of the board of Enterprise Florida, Inc., appointed by the Governor, the President of the Senate, and the

¹ National Aeronautics and Space Act of 1958 (Pub. L. 85-568). The Act converted the National Advisory Committee for Aeronautics (NACA), created in 1915, into NASA. From 1915 to 1958, NACA was instrumental in many developments and advancements in flight for the United States. For example, NACA research was key to the development of the laminar flow wing that led to the development of one of the premier air superiority fighters of the Second World War, the P-51 Mustang. See at <https://www.nasa.gov/ames/the-national-advisory-committee-for-aeronautics>, <https://history.nasa.gov/naca/overview.html>, and <https://www.britannica.com/technology/P-51> (all last visited March 10, 2023).

² *NASA and the Space Program Change Florida*, Florida Memory, State library and Archives of Florida. <https://www.floridamemory.com/onlineclassroom/nasa/photos/#> (last visited March 10, 2023).

³ NASA Overview, *Space Shuttle Era*, https://www.nasa.gov/mission_pages/shuttle/flyout/index.html, (last visited March 10, 2023).

⁴ *What's Next for NASA*; https://www.nasa.gov/about/whats_next.html, (last visited March 10, 2023).

⁵ See *10 Major Players in the Private Sector Space Race*, by Nicholas Gerbis; <https://science.howstuffworks.com/10-major-players-in-private-sector-space-race.htm>, (last visited March 10, 2023).

⁶ Ch. 2006-60, Laws of Fla.; See ch. 331, F.S.

⁷ S. 331.302, F.S.

⁸ *Id.*

Speaker of the House of Representatives, and the Governor serves ex officio or appoints a designee to serve as the chair and voting member.⁹ The vision of Space Florida is where “Florida is the leading global and interplanetary center for sustainable aerospace commerce.”¹⁰

Managing the Capitol Center

Chapter 272, F.S., provides that the Capitol Center¹¹ is under the general control and supervision of the Department of Management Services (DMS),¹² which includes the management and maintenance of both the grounds and buildings.¹³ DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building.¹⁴ Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹⁵ This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management, and oversight of the design and construction of memorials.¹⁶

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.¹⁷

DMS is responsible for the management, maintenance, and upkeep of the Capital Complex and has authority to employ a superintendent of the grounds and other employees, and to designate or appoint a nonsalaried advisory committee to advise them.¹⁸

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.”¹⁹ DMS is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.²⁰ The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law. Additionally, the construction and placement of a monument on the premises of the Capitol Complex must be approved, after considering the recommendations of DMS and the Florida Historical Commission²¹, by the:

- The Governor, or his or her designee.
- The Attorney General, or his or her designee.
- The Chief Financial Officer, or his or her designee.

⁹ S. 331.3081, F.S.

¹⁰ *About Space Florida*, www.spaceflorida.gov/about/ (last visited March 10, 2023).

¹¹ Section 272.12, F.S., defines the Capitol Center as the 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.

¹² S. 272.03, F.S.

¹³ S. 272.09, F.S.

¹⁴ S. 727.04, F.S.

¹⁵ S. 272.07, F.S.

¹⁶ Department of Management Services, Agency Analysis of 2014 Senate Bill 608, p. 2 (Feb. 19, 2014).

¹⁷ S. 281.01, F.S. The Caldwell Building lies within the bounded area described in current law, but is not specifically named in statutes and therefore not considered as part of the Capitol Complex.

¹⁸ S. 272.09, F.S.

¹⁹ S. 265.111(1), F.S.

²⁰ S. 265.111(3), F.S.

²¹ Section 267.0612(9), F.S. requires the Florida Historical Commission to provide on the design and placement of monuments to be placed on the premises of the Capitol Complex.

- 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.²²

To date, there have been 13 memorials authorized in Florida Statute. Of the 13, eight have been completed, two have been funded and are in the design stage, and three have not been funded or completed. The following chart shows each statutorily authorized memorial.²³

Memorial	Current Status of Statutory Authority	Funded Y/N	Year Authorized	Status
Florida Women’s Hall of Fame	265.001	Y	1992	Completed
Florida Medal of Honor Wall	265.002	Y	1996	Completed
Florida Veterans’ Hall of Fame	265.003	Y	2011	Completed
POW-MIA Chair of Honor Memorial	265.00301	Y	2014	Completed-2022
Florida Veterans’ Walk of Honor and Florida Veterans’ Memorial Garden	265.0031	N	2014	TBD
Florida Tourism Hall of Fame	265.004	Y	2014	Completed
Florida Law Enforcement Officers’ Hall of Fame	265.0041	Y	2014	Completed
Florida Holocaust Memorial	265.005	Y	2016	In Design
Florida Slavery Memorial	265.006	Y	2018	In Design
Arthur G. Dozier School for Boys Memorial (Dozier School, Marianna)	265.007	Y	2017	Completed-2023
Arthur G. Dozier School for Boys Memorial (Florida Capitol)	265.007	Y	2017	Designed
POW-MIA Vietnam Veterans Bracelet Memorial	265.008	Y	2021	Completed-2021
Beirut Monument	265.111	N	2014	TBD

Division of Historical Resources

The Division 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.²⁴ This includes cooperating with, advising, and assisting federal and state agencies in pursuit of historic preservation.²⁵

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.²⁶ The Commission is part of the Department of State and is tasked with advising and assisting the Division in carrying out its programs, duties, and responsibilities.²⁷

²² S. 265.111(2), F.S.

²³ Email from Patrick Gillespie, Deputy Secretary of Business Operations, Department of Management Services, RE: Monuments (Mar. 6, 2023).

²⁴ S. 20.1(2)(b), F.S.

²⁵ S. 267.031, F.S.

²⁶ Chapter 2001-199, L.O.F.

²⁷ S. 267.0612, F.S.

The Commission is required to provide assistance, advice, and recommendations to the Division in a variety of areas, including providing recommendations to DMS on the design of monuments authorized by general law and placement on the premises of the Capitol Complex.²⁸

Effect of Proposed Changes

The bill states it is the intent of the Legislature to recognize the importance of the role of this state, and its past, current, and future contributions, in space exploration, and to honor the contribution of individuals and their families for their impact on the United State's achievements in space.

The bill establishes the Florida Space Exploration Monument and specifies that it is to be administered by DMS. The bill specifies that DMS, in consultation with Space Florida, must establish a contest for individuals who wish to submit a design for the monument and requires DMS and Space Florida to appoint a selection committee to choose the design of the monument.

DMS is required to develop a plan for the design, placement, and cost of the monument. The plan must include the designation of the appropriate public area on the premises of the Capitol Complex to place the monument. The bill specifies that DMS must consider the recommendations of the Florida Historical Commission and coordinate with the Division of Historical Resources in developing the plan. Further, the bill specifies that the plan must include the dates for the design contest and the timeframe for the selection committee to review and select a design. DMS is required to submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July1, 2024.

B. SECTION DIRECTORY:

Section 1 Creates s. 265.009, F.S., establishing the Florida Space Exploration Monument.

Section 2 Provides an effective date of July 1, 2023.

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 cost for DMS to develop the plan for the monument is indeterminate, but likely insignificant. The bill does not include an appropriation for building the monument. After design is complete, DMS will need to request funding from the Legislature through the Legislative Budget Request process.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures 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.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 29, 2023, the State Administration & Technology Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The committee substitute removed the limitation that participation in any competition between sculptors or artists, for the design of a monument at the Capitol Complex or any other state building, be specified individuals domiciled in Florida.

This analysis is drafted to the committee substitute as passed by the State Administration & Technology Appropriations Subcommittee.