

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 5201      PCB SAT 23-01      Capitol Complex  
**SPONSOR(S):** State Administration & Technology Appropriations Subcommittee, Busatta Cabrera  
**TIED BILLS:**            **IDEN./SIM. BILLS:** SB 2506

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**FINAL HOUSE FLOOR ACTION:** 97 Y's            13 N's            **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 5201 passed the House on May 5, 2023, as SB 2506, as amended by the conference committee.

The bill conforms law to the Fiscal Year 2023-2024 General Appropriation Act (GAA). The GAA contains funding for the creation of the Memorial Park within the expanded Capitol Complex. See Fiscal Analysis & Economic Impact Statement.

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. DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building. The Capital Complex is an area located within the area of the Capitol Center. 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. The management, maintenance, and upkeep of the Capital Complex is also the obligation of DMS.

Under current law, 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." DMS, in consultation with the Florida Historical Commission, is required to set aside an area of the Capitol Complex 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 the Legislature in general law.

The bill expands the Capitol Complex to include the Holland Building, the Elliot Building, the R.A. Gray Building, and their associated parking garages. To effectuate this change, the bill expands the area of the Capitol Complex to include the state-owned lands and adjacent public streets within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King Jr. Boulevard, and Gaines Street. The bill states that the Capitol Complex does not include the Supreme Court Building or the public streets adjacent thereto.

The bill removes the requirement that DMS, in consultation with the Florida Historical Commission, dedicate a memorial garden. Instead, the bill requires DMS to set aside and dedicate an area of the Capitol Complex to be known as "Memorial Park", where authorized monuments will be placed. The bill defines "Memorial Park" as the portion of the Capitol Complex existing between and including the Elliot Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street.

The bill was approved by the Governor on June 15, 2023, ch. 2023-242, L.O.F., and will become effective on July 1, 2023.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Background

#### Capitol Center and Capitol Complex

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> DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building.<sup>4</sup> Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.<sup>5</sup> 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.<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>

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.<sup>8</sup>

#### 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>9</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>10</sup> 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 Commission<sup>11</sup>, by the:

- The Governor, or his or her designee.

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<sup>1</sup> 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.

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

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

<sup>4</sup> S. 727.04, F.S.

<sup>5</sup> S. 272.07, F.S.

<sup>6</sup> Department of Management Services, Agency Analysis of 2014 Senate Bill 608, p. 2 (Feb. 19, 2014).

<sup>7</sup> 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.

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

<sup>9</sup> S. 265.111(1), F.S.

<sup>10</sup> S. 265.111(3), F.S.

<sup>11</sup> 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 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.<sup>12</sup>

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.<sup>13</sup>

Memorial	Current Status of Statutory Authority (F.S.)	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

### Effect of Proposed Changes

The bill amends ss. 272.09, 281.01, and 943.60 F.S., to add the Holland Building, the Elliot Building, the R.A. Gray Building, and their associated parking garages to the Capitol Complex. To effectuate this change, the bill expands the area of the Capitol Complex to include the state-owned lands within an area bounded by and including Calhoun Street, East Pensacola Street, Monroe Street, Jefferson Street, West Pensacola Street, Martin Luther King Jr. Boulevard, and Gaines Street. The bill states that the Capitol Complex does not include the Supreme Court Building or the public streets adjacent thereto.

The bill removes the requirement that DMS, in consultation with the Florida Historical Commission, dedicate a memorial garden. Instead, the bill requires DMS to set aside and dedicate an area of the Capitol Complex to be known as “Memorial Park”, where authorized monuments will be placed. The bill defines “Memorial Park” as the portion of the Capitol Complex existing between and including the Elliot

<sup>12</sup> S. 265.111(2), F.S.

<sup>13</sup> Email from Patrick Gillespie, Deputy Secretary of Business Operations, Department of Management Services, RE: Monuments (Mar. 6, 2023).

Building and the Holland Building within an area bounded by and including Monroe Street, Gaines Street, Calhoun Street, and East Pensacola Street.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Fiscal Year 2023-2024 General Appropriations Act (GAA) provides \$2.0 million from the Architects Incidental Trust Fund to DMS for the design and development of the Memorial Park. The proviso states that the funds are contingent upon this bill or similar legislation becoming law. Further, the funds shall be placed in reserve. DMS is authorized to submit budget amendments to request release of funds. Release is contingent upon the submission of a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives that specifies the design, layout, placement of monuments, and other enhancements within Memorial Park.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

None.