

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 Fiscal Policy

BILL: SB 716

INTRODUCER: Senator Sobel and others

SUBJECT: Florida Holocaust Memorial

DATE: January 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	<u>Jones</u>	<u>Hrdlicka</u>	<u>FP</u>	Pre-meeting

I. Summary:

SB 716 establishes the Florida Holocaust Memorial. The memorial is to recognize and commemorate the millions of people, including six million Jews, murdered by the Nazis and their collaborators before and during World War II in Europe, and to honor the survivors of the Holocaust.

The bill requires the Department of Management Services (DMS) to administer the memorial and to designate an appropriate public area for the memorial on the Capitol Complex. The DMS must construct the memorial after considering the recommendations of the Florida Historical Commission and coordinate with the Division of Historical Resources of the Department of State in regards to the memorial's design and placement.

The bill has an indeterminate fiscal impact.

The bill is effective July 1, 2016.

II. Present Situation:

The Holocaust

The Holocaust was the systematic, bureaucratic, state-sponsored persecution and murder of millions of people, including six million Jews, by the Nazi regime and its collaborators during World War II. The Nazi regime also targeted other groups, including the Romani people, the disabled, some Slavic peoples (Poles, Russians, and others), Communists, Socialists, Jehovah's Witnesses, and homosexuals.¹

¹ United State Holocaust Memorial Museum, Learn about the Holocaust, Holocaust Encyclopedia, *Introduction to the Holocaust*, (last updated August 18, 2015), <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005143> (last visited on January 22, 2016).

Holocaust Memorials and Museums in Florida

There are numerous Holocaust memorials, monuments and museums worldwide. Florida has five memorials and museums which include: the Florida Holocaust Museum in St. Petersburg,² the Holocaust Memorial Resource and Education Center of Florida in Maitland,³ the Holocaust Museum and Education Center of Southwest Florida in Naples,⁴ the Holocaust Memorial in Miami Beach,⁵ and a Holocaust Memorial on the Temple B'Nai Israel property in Clearwater.⁶

Managing Agency for the Capitol Center

Section 272.03(1), F.S., provides that the Capitol Center⁷ is under the general control and supervision of the Department of Management Services (DMS),⁸ which includes the management and maintenance of both the grounds and buildings.⁹ Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹⁰ 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.¹¹ 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.¹²

Capitol Complex Monuments

The construction and placement of a monument¹³ 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 recommendations of the Florida Historical Commission.¹⁴ Additionally, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.¹⁵ The

² Florida Holocaust Museum, <https://www.flholocaustmuseum.org/> (last visited on January 22, 2016).

³ Holocaust Memorial Resource & Education Center of Florida, <http://www.holocaustedu.org/> (last visited on January 22, 2016).

⁴ The Holocaust Museum & Education Center of Southwest Florida, <http://www.holocaustmuseumsfl.org/> (last visited on January 22, 2016).

⁵ Holocaust Memorial Miami Beach, <http://holocaustmemorialmiamibeach.org/about/history/> (last visited on January 22, 2016).

⁶ Holocaust Memorial – Clearwater, FL., http://www.waymarking.com/waymarks/WM7JP0_Holocaust_Memorial_Clearwater_FL (last visited on January 22, 2016).

⁷ Section 272.12, F.S., describes the Tallahassee area bounded by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

⁸ Section 272.03, F.S.

⁹ Section 272.09, F.S.

¹⁰ Section 272.07, F.S.

¹¹ Department of Management Services, Senate Bill 608 Agency Legislative Bill Analysis (February 19, 2014) (on file with the Governmental Oversight and Accountability Committee).

¹² *Id.*

¹³ 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.

¹⁴ Section 265.111(2), F.S.

¹⁵ *Id.*

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.¹⁶

Division of Historical Resources

The Division of Historical Resources is established within the Department of State¹⁷ and is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of, and public access to, information about Florida's historic sites and properties and objects related to Florida's history and culture. This includes cooperating with, advising and assisting federal and state agencies and local governments in carrying out their historic preservation responsibilities.¹⁸

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.¹⁹ 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.²⁰

The commission is composed of 11 members: seven members who are appointed by the Governor in consultation with the Secretary of State, two members who are appointed by the President of the Senate, and two members who are appointed by the Speaker of the House of Representatives.²¹

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.²²

III. Effect of Proposed Changes:

Section 1 creates s. 265.005, F.S., to establish the Florida Holocaust Memorial. The DMS is required to administer the memorial and set aside an appropriate public area for the memorial on the premises of the Capitol Complex, as defined in s. 281.101, F.S.²³

¹⁶ Section 265.111(3), F.S.

¹⁷ Section 20.10(2)(b), F.S.

¹⁸ Section 267.031, F.S., and Florida Division of Historical Resources, About, *Program Areas*, <http://dos.myflorida.com/historical/about/program-areas/> (last visited on January 22, 2016).

¹⁹ Chapter 2001-199, L.O.F.

²⁰ Section 267.0612, F.S.

²¹ Section 267.0612(1)(a)1., F.S.

²² Section 267.0612(9), F.S.

²³ The bill specifies that the memorial will not be on the State Capitol Circle Office Complex. The "Capitol Complex" is generally the buildings bound by Monroe Street, Jefferson Street, Duval Street, and Gaines Street in Tallahassee.

The bill requires the DMS to construct and place the memorial after it has considered the recommendations of the Florida Historical Commission and to coordinate with the Division of Historical Resources of the Department of State regarding the memorial's design and placement.

Section 2 provides the bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The cost to construct the memorial is indeterminate, as the design for the memorial has not been completed. Although the cost is indeterminate, as a comparison, during the 2014 Session the Legislature appropriated \$250,000 for the Fallen Firefighter Memorial.²⁴ In addition, several other statutorily authorized Capitol Complex memorials, are administered by direct-support organizations without funding from the state.²⁵

VI. Technical Deficiencies:

None.

²⁴ Specific Appropriation Item 2739A, Ch. 2014-51, L.O.F.

²⁵ Among the statutorily authorized Capitol Complex memorials that are administered without state funds are the Florida Veterans' Walk of Honor (s. 265.0031, F.S.); the Florida Veterans' Memorial Garden (s. 265.0031, F.S.); and the POW-MIA Chair of Honor Memorial (s. 265.00301, F.S.).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 265.005 of the Florida Statutes.

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:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
