

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 821 Florida Historic Capitol

**SPONSOR(S):** Government Operations Subcommittee; Hutson; Santiago and others

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/CS/SB 396

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N, As CS	Toliver	Williamson
2) State Affairs Committee	18 Y, 0 N	Toliver	Camechis

### SUMMARY ANALYSIS

The Legislature provided for the restoration of the Florida Historic Capitol (Historic Capitol) to its 1902 appearance, and made provisions for its use as a museum. The President of the Senate and the Speaker of the House of Representatives appoint the Florida Historic Capitol Curator (curator). The curator works in conjunction with the Legislative Research Center and Museum (center) at the Historic Capitol to raise funds, apply for and collect grants, make expenditures, and receive donations for the benefit of the Historic Capitol. The center functions as a citizen support organization (CSO) that is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center. The Florida Historic Capitol Foundation (foundation) acts as a direct-support organization for the Historic Capitol (DSO). A nine-member board of directors (board) governs the foundation.

The bill renames the Legislative Research Center and Museum the Florida Historic Capitol Museum (museum). It also renames the Florida Historic Capitol Curator the Florida Historic Museum Director (director). The bill requires the director to propose a strategic plan to the President of the Senate and the Speaker of the House of Representatives by May 1 of each year, and to propose an annual operating plan.

The bill creates the Florida Historic Capitol Museum Council (council) within the legislative branch. The council is composed of 13 members, selected based upon their dedication to preserving the Historic Capitol and advancing the mission of the museum. The bill provides for the composition of the council, and requires prospective members to be experts in fields relating to the mission of the museum or to be leaders in their communities or statewide with demonstrated success in building support for cultural institutions. Council members serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses from the funds of the museum's DSO. The bill provides certain requirements for the council, including assisting the director in developing a strategic plan to guide the activities of the museum.

The bill removes all references authorizing the establishment of a CSO. Furthermore, the bill redirects the funding from the fee for specialty license plates from the center's CSO to the DSO.

Effective July 1, 2015, the bill increases from two to 12 the number of additional appointments the board of the DSO can make to itself. Each additional appointment serves a three-year term. Additionally, the bill requires the board to be reimbursed for per diem and travel expenses from DSO funds.

The bill does not appear to have a fiscal impact on state or local government.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

The Florida Historic Capitol (Historic Capitol) has been at its present location since 1845.<sup>1</sup> Following the construction of the new capitol building, the Legislature provided for the restoration of the Historic Capitol to its 1902 appearance, and made provisions for its use as a museum.<sup>2</sup> The Historic Capitol must be maintained in accordance with good historic preservation practices as specified in the National Park Service Preservation Briefs and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.<sup>3</sup>

The Florida Historic Capitol Curator (curator)<sup>4</sup> is appointed by the President of the Senate (President) and the Speaker of the House of Representatives (Speaker).<sup>5</sup> The curator, in part, must promote knowledge and appreciation of the Historic Capitol, as well as collect, preserve, and exhibit artifacts and objects related to the Historic Capitol.<sup>6</sup> The curator works in conjunction with the Legislative Research Center and Museum (center) at the Historic Capitol to raise funds, apply for and collect grants, make expenditures, and receive donations for the benefit of the Historic Capitol.<sup>7</sup>

The center was created in 2008,<sup>8</sup> and its mission is to "collect, preserve and make available to research significant materials connected with Florida's legislative history."<sup>9</sup> The center functions as a citizen support organization (CSO).<sup>10</sup> The CSO must provide for an annual financial audit and all records of the CSO are public records for purposes of chapter 119, F.S.<sup>11</sup> The CSO is authorized to collect rental fees, apply for and receive grants, and receive gifts and donations for the direct or indirect benefit of the center.<sup>12</sup>

In 2009, the Legislature authorized the establishment of a direct-support organization (DSO) to provide assistance and promotional support through fundraising for the center.<sup>13</sup> The Florida Historic Capitol Foundation (foundation) acts as the DSO.<sup>14</sup> A board of directors (board) governs the foundation.<sup>15</sup> The board consists of nine members who serve three-year terms,<sup>16</sup> however, at its discretion, the board may add two additional members.<sup>17</sup> The board serves without compensation other than reimbursement for travel and per diem.<sup>18</sup>

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<sup>1</sup> FLORIDA HISTORIC CAPITOL, <http://www.flhistoriccaptol.gov/about.cfm#background> (last visited 3/20/2015).

<sup>2</sup> Chapter 1981-232, L.O.F., directed the Department of State to assure that all space in the Florida Historic Capitol was restored in a manner consistent with the 1902 form and made available for allocation.

<sup>3</sup> Section 272.129(2), F.S. The Florida Historic Capitol is on the National Register of Historic Places.

<sup>4</sup> The curator is now referred to as coordinator. 2015 Bill Analysis of SB 396 by the Florida Historic Capitol Museum (on file with the Government Operations Subcommittee).

<sup>5</sup> Section 272.135(1), F.S. The position of curator was established in 1981. *See* chapter 1981-232, s. 2, L.O.F.

<sup>6</sup> Section 272.135(2), F.S.

<sup>7</sup> Section 272.135(3), F.S. The curator also works with the center to receive, hold, invest, and administer, in the name of the Historic Capitol and the center, securities, funds, objects of value, and real and personal property.

<sup>8</sup> Chapter 2008-199, s. 13, L.O.F.

<sup>9</sup> FLORIDA LEGISLATIVE RESEARCH CENTER, <http://www.flcrm.gov/about.cfm> (last visited 3/2/2015).

<sup>10</sup> Section 272.129(4)(a), F.S.

<sup>11</sup> Section 272.129(4)(c) and (d), F.S.

<sup>12</sup> Section 272.129(2)(e), F.S.

<sup>13</sup> Chapter 2009-179, L.O.F. The statute has not been updated to reflect that the center and the Historic Capitol merged in 2006, and are operating as the Capitol Museum.

<sup>14</sup> 2015 Bill Analysis of SB 396 by the Florida Historic Capitol Museum (on file with the Government Operations Subcommittee).

<sup>15</sup> Section 272.136(1), F.S.

<sup>16</sup> Section 272.136(1)(c), F.S.

<sup>17</sup> Section 272.136(1)(c), F.S.

<sup>18</sup> Section 272.136(1)(d), F.S.

The center receives additional funding from specialty license plates for former members of Congress or former state Senators or Representatives.<sup>19</sup> The fee for the specialty license plate is \$500, of which the center receives \$450 and the remaining \$50 is deposited into the Highway Safety Operating Trust Fund.<sup>20</sup>

## Effect of the Bill

The bill renames the Legislative Research Center and Museum the Florida Historic Capitol Museum (museum).

The bill creates a new council, the Florida Historic Capitol Museum Council (council), within the legislative branch. The council is composed of 13 members who are selected based upon their dedication to preserving the Historic Capitol and advancing the mission of the museum. Prospective members of the council should be experts in, or hold credentials in, the fields most directly related to the mission of the museum or be leaders in their respective communities or statewide with demonstrated success in building community support for cultural institutions. The council consists of the following members:

- The Secretary of the Senate.
- The Clerk of the House of Representatives.
- The Sergeant at Arms of the Senate and the House.
- The President and the Speaker each appoint three members. Two members must be former legislators or officers of the Legislature and one must be a representative of the general public.
- The board must appoint three members from its membership.

Council members serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses from the funds of the museum's DSO. Each council member must:

- Attend a majority of the council's quarterly meetings;
- Serve as an advocate and ambassador for the museum;
- Lend expertise for the advancement of the museum;
- Participate in key museum events; and
- Become a member of the museum.

The council must designate a chair. It must provide guidance and support to assist the Florida Historic Museum Director (director) and staff in developing a strategic plan to guide the activities of the museum, and periodically review the strategic plan. Additionally, the council must:

- Ensure that the museum retains an emphasis on preserving legislative history and traditions by cultivating relationships with current and former legislators, collecting historic materials, and encouraging public participation in the museum's activities;
- Ensure that the museum operates as a public trust in accordance with the Ethics, Standards, and Best Practices and the Code of Ethics for Museums adopted by the American Alliance of Museums;
- Meet annually with the board to review the museum's strategic plan before it is presented to the President and the Speaker and evaluate the DSO's long-term development goals and near-term strategies; and
- Assist museum staff in planning the Biennial Joint Legislative Reunion.

The bill renames the Florida Historic Capitol Curator the Florida Historic Museum Director. It requires the director to propose a strategic plan to the President and the Speaker by May 1 of each year in which a general election is held, and to propose an annual operating plan.

The bill removes all references authorizing the establishment of a CSO. Furthermore, the bill redirects the funding from the fee for specialty license plates from the center's CSO to the DSO.

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<sup>19</sup> Section 320.0807(6), F.S.

<sup>20</sup> Section 320.0807(6)(c), F.S.

Effective July 1, 2015, the bill increases from two to 12 the number of additional appointments the board of the DSO can make to the board. Each additional appointment serves a three-year term. Additionally, the bill requires the board to be reimbursed for per diem and travel expenses from DSO funds.

**B. SECTION DIRECTORY:**

Section 1: Amends s. 272.129, F.S., relating to the Historic Capitol.

Section 2: Creates s. 272.131, F.S., relating to the Florida Historical Capitol Museum Council.

Section 3: Amends s. 272.135, F.S., relating to the Florida Historical Capitol Museum Director.

Section 4: Amends s. 272.136, F.S., relating to the DSO for the museum.

Section 5: Amends s. 320.0807, F.S., relating to special license plates for Governor and federal and state legislators.

Section 6: Provides an effective date of July 1, 2015.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

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

This bill does not appear to have a direct economic impact on the private sector.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 24, 2015, the Government Operations Subcommittee adopted a strike-all amendment and reported the bill favorably with committee substitute. The strike-all amendment:

- Increases the council membership from 12 to 13 and requires that the board appoint the additional member.
- Shifts responsibility for proposing the strategic plan from the council to the director.
- Changes the due date of the strategic plan from December 31, 2017, to May 1 of every year in which a general election is held.
- Requires the council to provide guidance and support to assist the director in developing the strategic plan, and to review the strategic plan before it is presented.
- Removes the director as an advisory member of the council.
- Adds qualification requirements for prospective members of the council.
- Specifies that the legislators and officers of the legislature appointed to the council by the President and the Speaker be former legislators and former officers, and that the President and the Speaker each appoint one person who is a representative of the general public.
- Removes the requirement that council members serve as a liaison to the Governor, President, and Speaker; cultivate relationships with legislative staff; and use his or her professional contacts for the advancement of the museum.
- Provides that the provision authorizing the board to appoint up to 12 additional members to the board is effective July 1, 2015, and provides that the additional members serve three-year terms.
- Requires the council to assist the museum staff in planning the Biennial Joint Legislative Reunion.

This analysis is drafted to the committee substitute as approved by the Government Operations Subcommittee.