

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 Governmental Oversight and Accountability

BILL: SB 716

INTRODUCER: Senators Sobel and Sachs

SUBJECT: Florida Holocaust Memorial

DATE: January 8, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	McVaney	GO	Favorable
2.			AGG	
3.			FP	

I. Summary:

SB 716 establishes the Florida Holocaust Memorial 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 premises of the Capitol Complex. Also, DMS shall 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 shall take effect on 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.¹ 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.²

¹ See <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005143> (last visited on December 8, 2015).

² *Id.*

Holocaust Memorials and Museums in Florida

There are numerous Holocaust memorials, monuments and museums worldwide, of which five are located throughout Florida. These memorials and museums include: a memorial on the Temple B’Nai Israel property in Clearwater, Florida,³ the Florida Holocaust Museum⁴ in St. Petersburg, FL, the Holocaust Memorial Resource and Education Center of Florida in Maitland, FL,⁵ a memorial in Miami Beach, FL,⁶ and the Holocaust Museum and Education Center of Southwest Florida in Naples, Florida.⁷

Managing Agency for the Capitol Center

Chapter 272, F.S., provides that the Capitol Center⁸ is under the general control and supervision of the DMS,⁹ which includes the management and maintenance of both the grounds and buildings.¹⁰ Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹¹ 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.¹² 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.¹³

Capitol Complex

Section 281.01, F.S., defines the term “Capitol Complex” as:

[T]hat 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.

³ See http://www.waymarking.com/waymarks/WM7JP0_Holocaust_Memorial_Clearwater_FL (last visited on December 8, 2015).

⁴ See <https://www.flholocaustmuseum.org/about/fhm-history/> (last visited on December 8, 2015). This is one of the largest Holocaust museums in the country and played a role in shaping legislation that requires Holocaust education in public schools. See s. 10003.42(2)(g), F.S.

⁵ See http://www.holocaustedu.org/about_us (last visited on December 8, 2015).

⁶ See <http://holocaustmemorialmiami-beach.org/about/history/> (last visited on December 8, 2015).

⁷ See <http://www.holocaustmuseumsfwl.org/our-mission/> (last visited on December 8, 2015).

⁸ 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.

⁹ Section 272.03, F.S.

¹⁰ Section 272.09, F.S.

¹¹ Section 272.07, F.S.

¹² Department of Management Services, Senate Bill 608 Analysis (February 19, 2014) (copy on file with the Governmental Oversight and Accountability Committee).

¹³ *Id.*

Capitol Complex Monuments

The construction and placement of a monument¹⁴ 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.¹⁵ Additionally, DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.¹⁶ 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.¹⁷

Division of Historical Resources

The Division of Historical Resources is established within the Department of State¹⁸ and is charged with encouraging identification, evaluation, protection, preservation, collection, conservation and interpretation of, and public access to, information about Florida's historic sites, properties and objects related to Florida's history and culture.¹⁹ This includes cooperating with, advising and assisting federal and state agencies and local governments in carrying out their historic preservation responsibilities.

Florida Historical Commission

The Florida Historical Commission (Commission) was established by the Legislature in 2001 to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.²⁰ The Commission is created within the Department of State and is tasked with advising and assisting the Division of Historical Resources in carrying out its programs, duties and responsibilities.²¹

The Commission is composed of 11 members. Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State, two by the President of the Senate and two by the Speaker of the House of Representatives.²² The Commission must include:

- A licensed architect with expertise in historic preservation and architectural history;
- A professional historian in the field of American history;
- A professional architectural historian;
- An archaeologist specializing in the field of prehistory;
- An archaeologist specializing in the historic period; and

¹⁴ 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.

¹⁵ Section 265.111(2), F.S.

¹⁶ *Id.*

¹⁷ Section 265.111(3), F.S.

¹⁸ Section 20.10(2)(b), F.S.

¹⁹ Section 267.031, F.S. *Also, see* <http://dos.myflorida.com/historical/about/program-areas/> (last visited on December 8, 2015).

²⁰ Chapter 2001-199, L.O.F.

²¹ Section 267.0612, F.S.

²² Section 267.0612(1)(a)1., F.S.

- Representatives of the general public with demonstrated interest in the preservation of Florida's historical and archaeological heritage.²³

The Commission is statutorily required to provide assistance, advice, and recommendations to the Division of Historical Resources in:

- Establishing priorities for the identification, acquisition, protection, and preservation of historic and archaeological sites and properties;
- Establishing criteria for use in assessing the significance of historic and archaeological sites and properties;
- Evaluating proposals for awards of special category historic preservation grants-in-aid administered by the Division of Historical Resources;
- Providing an active outreach program to encourage public understanding of and involvement in the preservation of the state's historic and archaeological sites and properties;
- Identifying and expressing public goals for historic preservation and gathering public ideas necessary for the formulation of alternative policies; and
- Recommending rules relating to the historic preservation programs administered by the Division of Historical Resources.²⁴

Section 267.0612(9), F.S., also requires the Commission to provide recommendations to 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.

III. Effect of Proposed Changes:

Section 1 creates s. 265.005, F.S., establishes the Florida Holocaust Memorial, and provides legislative intent. 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., but not including the State Capitol Circle Office Complex.

The bill requires DMS to construct and place the memorial after it has considered the recommendations of the Florida Historical Commission pursuant to ss. 265.111 and 267.0612(9), F.S., and to coordinate with the Division of Historical Resources of the Department of State regarding the memorial's design and placement.

Section 2 provides an effective date of 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.

²³ *Id.* Also, at least one member of the Commission must be a resident of a county that has a population of 75,000 or fewer.

²⁴ Section 267.0612(6)(a)-(f), F.S.

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:

Indeterminate.

C. Government Sector Impact:

Indeterminate. The bill does not include an appropriation for the creation and placement of the memorial.

VI. Technical Deficiencies:

None.

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.