

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 Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 1020

INTRODUCER: Senator Wright

SUBJECT: Monuments

DATE: April 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Proctor</u>	<u>MS</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1020 establishes a Florida Space Exploration Monument to recognize the importance of the state of Florida, and its past, current, and future contributions, in space exploration; to honor the state's residents for their role in humanity's most daring journey of space exploration; and to honor the contribution of all individuals and their families who have gone unrecognized for their contributions to the United States' achievements in space. The Department of Management Services (DMS) is to administer the monument.

The DMS, in consultation with Space Florida, must establish a contest for the monument's design and appoint a selection committee to choose the design. Any competition between sculptors or artists for the design must be limited to sculptors and artists domiciled in Florida. By July 1, 2024, the DMS must submit its plan for the design, placement, and cost of the memorial.

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DMS. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Florida's Role in Space Exploration

Florida has a long history connected to space exploration. President Dwight D. Eisenhower established the National Aeronautics and Space Administration (NASA) on October 1, 1958. 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*.¹ Commemorative medallions were left behind by the Apollo 11 crew in remembrance of the three astronauts who had lost their lives in the Apollo 1 fire and for two cosmonauts who had also died in space-related accidents.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 and helped construct the International Space Station. 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 NASA retired its space shuttle fleet in four locations:

- Shuttle Atlantis – Kennedy Space Center Visitor Complex (Florida);
- Shuttle Discovery – Steven F. Udvar-Hazy Center (Virginia);
- Shuttle Endeavor – California Science Center; and
- Shuttle Enterprise – Intrepid Sea, Air & Space Museum (New York).⁴

NASA is working towards returning astronauts to the Moon, including the first woman to the moon, continuing the exploration of Mars, and developing new technology to make supersonic aircraft fly more quietly.⁵ In the meantime, private sector entrepreneurs are also working with NASA to accomplish these goals and more through public sector challenges and awards such as the X Prize,⁶ competing for more opportunities in space, both through commercial ventures and public sector clients.⁷

Space Florida

Space Florida was created under the Space Florida Act⁸ as an independent special district, a body politic and corporate, and subdivision of state government in 2006, by the Governor and Legislature.⁹ Space Florida promotes aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.¹⁰ The size and composition of the Board of Directors is

¹ *NASA and the Space Program Change Florida*, Florida Memory, State library and Archives of Florida, available at <https://www.floridamemory.com/onlineclassroom/nasa/photos/#> (Last visited March 3, 2023).

² *Apollo 11 Mission Overview*, National Aeronautics and Space Administration, available at https://www.nasa.gov/mission_pages/apollo/missions/apollo11.html (Last visited March 3, 2023).

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

⁴ Space Shuttle, *Retired Space Shuttle Locations*, National Aeronautics and Space Administration, available at https://www.nasa.gov/topics/shuttle_station/features/shuttle_map.html, (Last visited March 3, 2023).

⁵ *What's Next for NASA*, available at https://www.nasa.gov/about/whats_next.html, (Last visited March 3, 2023).

⁶ The X Prize was offered by the X Prize Foundation and in 2004, Microsoft co-founder and aerospace engineer Burt Rata won the \$10 million prize for building a spacecraft that could carry three people 100 kilometers above the Earth's surface. *See infra note 7.*

⁷ *See 10 Major Players in the Private Sector Space Race*, by Nicholas Gerbis, available at <https://science.howstuffworks.com/10-major-players-in-private-sector-space-race.htm>, (Last visited March 3, 2023).

⁸ Ch. 2006-60, L.O.F.; *see* ch. 331, F.S.

⁹ Section 331.302, F.S.

¹⁰ Section 331.302, F.S.

established by statute under s. 331.3081, F.S. A 13 member independent board of directors is created consisting of the members appointed to the board of directors of Enterprise Florida, Inc., consisting of:

- The Governor, who shall serve ex officio, or appoint a designee to serve, as the chair and voting member;
- Six members appointed by the Governor;
- Three members appointed by the President of the Senate; and
- Three members appointed by the Speaker of the House of Representatives.

Members appointed by the Governor are subject to Senate confirmation.¹¹

A part of the mission statement of Space Florida is to drive Florida's economic development across the global aerospace enterprise creating high value added businesses and jobs in Florida. Additionally, Space Florida seeks to accomplish its other statutory duties to:

- Create marketing campaigns focused on aerospace businesses which would lead to higher retention rates among both the employees and businesses;
- Coordinate with public and other private entities to develop space tourism marketing plans;
- Develop financial and technical assistance plans and assemble experts in aerospace engineering; and
- Carry out its responsibilities towards the successful development and operation of the Space Florida's goals.^{12,13}

Managing the Capitol Center

Chapter 272, F.S., provides that the Capitol Center¹⁴ is under the general control and supervision of the Department of Management Services (DMS),¹⁵ which includes the management and maintenance of both the grounds and buildings.¹⁶ The DMS is authorized to allocate space in the specified buildings to house various departments, agencies, boards, and commissions except the Supreme Court Building.¹⁷ Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹⁸ 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.¹⁹

The term "Capitol Complex" is defined to include:

¹¹ Sections 331.3081 and 288.901(5)(a)8., F.S.

¹² *About Space Florida*, <https://www.spaceflorida.gov/about/> (last visited March. 3, 2023).

¹³ Section 331.3051, F.S.

¹⁴ Section 272.12, F.S., describes the Tallahassee 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.

¹⁵ Section 272.03, F.S.

¹⁶ Section 272.09, F.S.

¹⁷ Section 272.04, F.S.

¹⁸ Section 272.07, F.S.

¹⁹ See DMS, *2014 Agency Legislative Bill Analysis for SB 608* at 2 (Feb. 19, 2014) (on file with the Senate Appropriations Committee).

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.²⁰

The management, maintenance, and upkeep of the Capital Complex is the obligation of the DMS, which has authority to employ a superintendent of the grounds and other employees, and is authorized to designate or appoint a nonsalaried advisory committee to advise them.²¹

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.”²² The DMS is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.²³ 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 Commission²⁴, by the following persons:

- The Governor, or his or her designee.
- 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.²⁵

Also, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument’s design and placement.²⁶

To date, there have been 13 memorials authorized by general law. Of the 13, eight have been completed, three have been funded, and two have not been funded. The following chart shows each statutorily authorized memorial.²⁷

²⁰ Section 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.

²¹ Section 272.09, F.S.

²² Section 265.111(1), F.S.

²³ Section 265.111(3), F.S.

²⁴ The Florida Historical Commission is required to provide recommendations on the design and placement of monuments authorized by general law pursuant to s. 267.0612(9), F.S.

²⁵ Section 265.111(2), F.S.

²⁶ *Id.*

²⁷ Email from the Deputy Secretary of Business Operations, Office of the Secretary, Department of Management Services, RE: Monuments (Mar. 6, 2023).

Memorial	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 of Historical Resources, within the Department of State, 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.²⁸ Their efforts include cooperating with, advising and assisting federal and state agencies in pursuit of historic preservation.²⁹

Florida Historical Commission

The 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.³⁰ 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.³¹ The commission is composed of 11 members of varying backgrounds and interests. Among the membership, seven 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.³²

²⁸ Section 20.10(2)(b), F.S.
²⁹ Section 267.031, F.S.
³⁰ Chapter 2001-199, L.O.F.
³¹ Section 267.0612, F.S.
³² Section 267.0612(1)(a)1., F.S.

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.³³

III. Effect of Proposed Changes:

Section 1 creates a Florida Space Exploration Monument to recognize:

- The importance of the state's role, and its past, current, and future contributions in space exploration;
- To honor state residents for their role in such a daring journey as space exploration; and
- To honor the contribution of all individuals and families who have gone unrecognized for their impact on the nation's achievement in space.

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

The DMS must develop a plan, taking into consideration the recommendations of the commission³⁴ and coordinating with the Division of Historical Resources of the Department of State, and a timeline for the design, placement, and cost of the monument within the Capitol Complex. The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2024.

Section 2 creates subsection (4) of s. 265.111, F.S., which provides that any competition between sculptors or artists for the right to design a monument to be placed at the Capitol Complex or any other state building must be limited to individuals who are domiciled in Florida.

Section 3 provides that the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by section 18 of Article VII of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

³³ Section 267.0612(9), F.S.

³⁴ As required pursuant to ss. 265.111 and 267.0612(9), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector may be a source of some or all of the funding for the building of the monument once a design and placement in the memorial garden is approved.

C. Government Sector Impact:

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DMS for the cost to develop the plan for the Florida Space Exploration monument. The cost of the new monument is indeterminate at this time and ongoing maintenance and upkeep of the monument will fall to the DMS once the monument has been erected. The bill does not currently contain an appropriation for the monument or any maintenance costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The cost to construct the memorial is indeterminate, as the design for the memorial has not been completed. As a comparison, the Legislature appropriated \$250,000 for the Fallen Firefighter Memorial,³⁵ \$400,000 for the Florida Holocaust Memorial³⁶, and \$400,000 for the Florida Slavery Memorial.³⁷ In addition, several other statutorily authorized Capitol Complex memorials are administered by direct-support organizations without funding from the state.³⁸

³⁵ Specific Appropriation Item 2739A, Ch. 2014-51, L.O.F.

³⁶ Specific Appropriation Item 2792, Ch. 2020-111, L.O.F.

³⁷ Specific Appropriation Item 2793, Ch. 2020-111, L.O.F.

³⁸ 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.).

VIII. Statutes Affected:

This bill substantially amends section 265.111 of the Florida Statutes.

This bill creates section 265.009 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.
