

**STORAGE NAME:** h2077z.gg  
**DATE:** May 16, 2000

**\*\*FAILED TO PASS THE LEGISLATURE\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
GENERAL GOVERNMENT APPROPRIATIONS  
FINAL ANALYSIS**

**BILL #:** HB 2077

**RELATING TO:** The Bay of Pigs and Operation Mongoose Historical Site and Memorial

**SPONSOR(S):** Representative Diaz de la Portilla

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) GENERAL GOVERNMENT APPROPRIATIONS YEAS 11 NAYS 0
  - (2)
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

HB 2077 establishes the Bay of Pigs and Operation Mongoose Historic Site and Memorial to honor Cuban expatriates involved in the Bay of Pigs invasion in 1961 and the veterans of Operation Mongoose launched the same year. The site is to be located at mile marker 99.5 on Key Largo on an existing 600 foot fill spit (jetty) at Molasses Reef Marina where the expatriates' "2506 Brigade" disembarked. The bill establishes an oversight board composed of representatives from John Pennekamp Coral Reef State Park, the Molasses Reef Marina Corporation, and the Bay of Pigs and Operation Mongoose Historic Site and Memorial Non-Profit Corporation, which will oversee the development and operation of the site.

At this time, the fiscal impact of HB 2077 is unknown, but it is expected that there will be an impact both on state government and the private sector.

HB 2077 passed the House on April 19, 2000, but died in the Senate Committee on Natural Resources.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The spit identified for the Bay of Pigs and Operation Mongoose Historical Site and Memorial is approximately 625 feet long. The landward 175 feet is privately owned by the Molasses Marina Corporation, but with a conservation easement to the state not allowing structures and ensuring that the marina's use of property "...does not adversely affect the adjacent fill spit or its ultimate removal". The next 100 feet of the spit was within the submerged land deed reconveyed to the state as a part of a 1995 court settlement. It was intended to be leased to the park, but that has not been finalized. It was intended for removal. The outermost 350 feet of the spit was illegal fill in the park, so it is considered already under park management, and the Department of Environmental Protection intends to remove it. The cost of removal is significant and has not yet been budgeted.

C. EFFECT OF PROPOSED CHANGES:

This bill creates the Bay of Pigs and Operation Mongoose Historical Site and Memorial and the accompanying oversight board to honor Cuban expatriates involved in the Bay of Pigs invasion in 1961 and the veterans of Operation Mongoose launched the same year.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 identifies a 600 foot +/- spit (jetty) extending into Hawk Channel in the Atlantic Ocean as the Bay of Pigs and Operation Mongoose Historical Site and Memorial. This section also creates the Bay of Pigs and Operation Mongoose Historical Site and Memorial Oversight Board to oversee the development and operation of the site and names the members of the Board.

Section 2 provides an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Unknown.

2. Expenditures:

The Department of Environmental Protection's plans to remove the illegal fill would be stopped, so the associated costs would not occur. The amount needed for this removal is unknown, although a 1996 estimate for removing the fill was \$227,500 for 0.9 acres. It is not clear what proportion of the planned removal this would cover.

A non-recurring cost to the state would be the renovation of the state-owned spit to accommodate the proposed historic site and memorial. The cost for this renovation is unknown at this time. Also, because the scope of the development and operation by the oversight board and the role of the non-profit corporation is not known, the expenditures required are indeterminable at this point.

According to the Department of Environmental Protection, a recurring cost to the state may be the maintenance of the state-owned spit to accommodate the proposed historic site and memorial. The cost for this maintenance is unknown at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Although it is not specified in the bill, it is possible that the Non-Profit organization could raise funds for the memorial and sponsor activities. A direct benefit of the historic site and memorial to the private sector would be the focus of attention and education on Cuban-American history.

D. FISCAL COMMENTS:

A proponent of this bill asserts that the development, operation, and maintenance of this site is to be fully funded by private sources; no government funds will be requested.<sup>1</sup>

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<sup>1</sup>Information received from Sonny Holtzman, April 7, 2000.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of local governments.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state shared tax with local governments.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

According to the Department of Environmental Protection, approximately 200 feet of the 600 foot +/- spit falls partly within a privately-owned submerged land parcel while the remaining 400 feet extends outside the submerged land deed into the dedicated portion of Pennekamp Park. Approximately 170 feet of the 200 feet within the submerged land parcel is covered by a conservation easement to the Board of Trustees as a result of a settlement agreement in 1995. Also as a result of the settlement, there is a reconveyance to the state of the portion of unfilled privately-owned submerged lands easterly of the fill spit.

A proponent of the bill asserts that the 1995 court settlement referred to above, agreed to by the Molasses Reef Marina Corporation and the Department of Environmental Protection, may be amended to accommodate the historical site and memorial if both parties concede. In response to the Department of Environmental Protection's intention to remove the illegal fill, the proponent also asserts that the historical designation and preservation of this cold war site would remove the need to fund such removal, as it is an integral part of the site.<sup>2</sup>

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<sup>2</sup>Information received from Sonny Holtzman, April 7, 2000.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 11, 2000, the Committee on General Government Appropriations adopted one amendment which removed the specific site designation from the bill.

VII. SIGNATURES:

**COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:**

Prepared by:

Staff Director:

Sarah E. Spector

Cynthia P. Kelly

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:**

Prepared by:

Staff Director:

Sarah E. Spector

Cynthia P. Kelly