

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

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

This bill creates a committee composed of the secretary of the Department of Transportation or the secretary's designee, the executive director of the Department of Veterans' Affairs or the executive director's designee, and three members of the Florida Commission on Veterans' Affairs appointed by the chair of the commission.

B. EFFECT OF PROPOSED CHANGES:

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." This bill authorizes the Department of Transportation to enter into a contract with a group or organization for the installation and maintenance of plaques, markers, monuments, memorials, or various retired military equipment honoring the military and veterans at interstate rest stops in Florida.

This bill creates a committee composed of the secretary of the Department of Transportation or the secretary's designee, the executive director of the Department of Veterans' Affairs or the executive director's designee, and three members of the Florida Commission on Veterans' Affairs appointed by the chair of the commission. Appointed members of the committee will be appointed for not longer than 2 year term limits and may be reappointed to the committee. All appointed members' terms will expire on January 31 of each even-numbered year.

This bill provides for the committee to approve proposals for the contracts under this act.

This bill provides that the group or organization making the proposal will be responsible for all costs and installation of the monuments. The bill also provides that the group or organization making the proposal will be responsible for the cost of maintenance of the monument for a period of ten years. The cost of maintenance will be secured by funds provided by the group or organization making the proposal deposited into a maintenance account held by the Department of Transportation. In lieu of the maintenance account, the group or organization making the proposal may provide a bond securing the cost of removal of the monument should the group or organization making the proposal fail to provide sufficient funds for maintenance for a period of two consecutive years.

Present Situation

A replica of the Marines' Iwo Jima Monument that was removed from its place on Interstate 4 because of road construction may soon have a new home and open the way for other monuments along Florida interstate highways.

The replica of the famed Marine Monument in Washington, D.C., was placed in an orange grove adjacent to I-4 between Auburndale and Polk City that Pipping owned in late 1989.

Pipping, of Bartow, was in the Navy at another location in the South Pacific on that March day in 1945, when Marines raised the American flag on Mount Suribachi on Iwo Jima, and he wanted to honor the event.

The monument and a large American flag that flew near it, both lighted at night, were landmarks to travelers along the interstate for more than a decade until they were removed two years ago in preparation for widening the highway.

Pipping died in 1999. The Young Marines of Polk County, an organization of students 11 to 18 years old, provided maintenance for the monument until it was removed. They and their adult sponsors have worked to get the monument relocated.

A group formed to protect Pipping's legacy had asked the Department of Transportation about placing the monument, which would be mounted on a larger base honoring all branches of the service from World War II, in the rest area off of the westbound lanes of I-4 near Auburndale.

The concept is not new. A rest area on Interstate 85 near Lexington, N.C., houses a monument to residents of that state who died in the Vietnam War. It is maintained by the North Carolina Vietnam Veterans.

At another rest area on I-95 near the Virginia border is a Blue Star monument to those who died in World War II and Korea, said Bill Jones of the North Carolina Department of Transportation. It, too, is maintained by a private group and does not cost the state any money in maintenance.¹

C. SECTION DIRECTORY:

Section 1. Creates, by popular name the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act."

Section 2. Provides purpose of the act.

Section 3. Authorizes the Department of Transportation to enter into contracts with any group or organization for the installation and maintenance of monuments and memorials honoring military veterans at highway rest areas around the state pursuant to certain provisions contained in this act.

Section 4. Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There are no known or expected fiscal impacts on state government revenues.

2. Expenditures:

There are no known or expected fiscal impacts on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

There are no known or expected fiscal impacts on local government expenditures.

¹ Bill Ruffy, *Stargel Bill Would Bring Back Iwo Jima Monument to I-4*, The Ledger, March 23, 2004, at <http://www.theledger.com/apps/pbcs.dll/article?AID=/20040323/NEWS/403230354/1134>.

2. Expenditures:

There are no known or expected fiscal impacts of local government revenues.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is no per se direct economic impact on the private sector, but the bill seeks to provide that the group or organization making the proposal will be responsible for all costs and installation of the monuments.

D. FISCAL COMMENTS:

According to the Department of Transportation, there appears to be no fiscal, since the group that they contract with to erect the monument/marker, etc. will be responsible for taking care of it, and if they don't, there's a removal bond that will pay for its removal.²

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill provides for the committee to approve proposals for the contracts under this act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Transportation may be making a recommendation to the sponsor to amend the bill regarding the ten year maintenance provision; the department suggest that it should be perpetual maintenance.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Subcommittee on Veterans' & Military Affairs recommended one amendment on March 25, 2004. The amendment removes the language relating to the ten year maintenance provision required by the group or organization making the proposals and amends it to require perpetual maintenance of the monuments. The amendment also provides that the cost of maintenance will be secured by sufficient funds annually; provides that the group or organization making the proposal will provide a 10 year bond securing the cost of removal of the monument, and any modifications made to the site as part of the placement of the monument, should they fail to provide funds for maintenance for 2 years; and provides that prior to expiration, the bond will be renewed for another 10 year period if the memorial is to remain in place.

² E-mail from Sarah Strickland, Department of Transportation (March 23, 2004) (on file with the Committee on Local Government & Veterans' Affairs).