

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1383 w/CS Installations honoring military veterans and their families/Ellwood Robinson Pipping, Jr., Act  
**SPONSOR(S):** Stargel and others  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 2446 (s)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Veterans' &amp; Military Affairs (Sub)</u>	<u>8 Y, 0 N</u>	<u>Smith</u>	<u>Cutchins</u>
2) <u>Local Government &amp; Veterans' Affairs</u>	<u>19 Y, 0 N w/CS</u>	<u>Smith</u>	<u>Cutchins</u>
3) <u>Transportation</u>	<u>17 Y, 1 N</u>	<u>Pugh</u>	<u>Miller</u>
4) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 1383 w/CS creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." The bill authorizes the Florida Department of Transportation (FDOT) 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.

The bill creates a five-member committee comprised of the FDOT secretary or a designee; the executive director of the state Department of Veterans' Affairs or a designee; and three members of the Florida Commission on Veterans' Affairs. The committee's duties include approval of contracts to erect and maintain the memorial. The bill also specifies that the group or organization making the proposal will be responsible for costs of installing and maintaining its monument.

HB 1383 w/CS has no apparent or expected fiscal impacts on state government general revenue, nor does it raise any constitutional issues.

HB 1383 w/CS takes effect upon becoming a law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1383d.tr.doc  
**DATE:** April 15, 2004

## 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:

#### Reduce government

HB 1383 w/CS does not reduce government because it creates a committee composed of the FDOT secretary or designee, the executive director of the Department of Veterans' Affairs or designee, and three members of the Florida Commission on Veterans' Affairs appointed by the chair of the commission. Serving on this committee creates additional responsibilities for those entities, especially for FDOT, which also is the agency that enters into contracts with the private groups.

#### B. EFFECT OF PROPOSED CHANGES:

#### Current Situation

In 1989, a replica of the famed Iwo Jima Marine Monument in Washington, D.C., was placed in an orange grove, adjacent to I-4 between Auburndale and Polk City, that Elwood Robinson Pipping, Jr., owned. 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 I-4 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 FDOT 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.<sup>1</sup>

<sup>1</sup> Bill Rufty, *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>.

### Effect of HB 1383 w/CS

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." It authorizes FDOT 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.

HB 1383w/CS 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 terms, and may be reappointed to the committee. All appointed members' terms will expire on January 31 of each even-numbered year.

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

In addition, HB 1383 w/CS provides that the group or organization making the proposal will be responsible for all costs and installation of its monument, as well as for perpetual maintenance. The cost of maintenance will be secured by sufficient funds annually and 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 two years. This bill provides that prior to expiration, the bond will be renewed for another 10-year period if the memorial is to remain in place.

HB 1383 w/CS takes effect upon becoming a law.

#### 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 FDOT 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 revenues.

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is no per se direct economic impact on the private sector, but the bill does provide that the group or organization making the proposal will be responsible for all costs, installation, and a maintenance bond associated with its monument.

D. FISCAL COMMENTS:

According to FDOT, there appears to be no fiscal impact, since the group with which the agency contracts will be responsible for taking care of it, and if the group doesn't, the required bond will pay for its removal.<sup>2</sup>

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision is not applicable because HB 1383 w/CS 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:

FDOT appears to have sufficient rulemaking authority to enter into contracts with the private groups.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

#### Subcommittee on Veterans' & Military Affairs

The subcommittee recommended one amendment on March 25, 2004, then voted in favor of the bill. The amendment removes the language relating to a 10-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.

#### Committee on Local Government and Veterans' Affairs

On April 1, 2004, the Committee on Local Government & Veterans' Affairs adopted the amendment recommended by the subcommittee, and reported the bill favorably as a committee substitute.

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