

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 201 CS

Installations Honoring Military Veterans and Their Families

**SPONSOR(S):** Stargel

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 868

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Military &amp; Veteran Affairs Committee</u>	<u>7 Y, 0 N, w/CS</u>	<u>Marino</u>	<u>Carter</u>
2) <u>Transportation Committee</u>	<u>10 Y, 0 N</u>	<u>Pugh</u>	<u>Miller</u>
3) <u>Transportation &amp; Economic Development Appropriations Committee</u>	<u></u>	<u>McAuliffe</u>	<u>Gordon</u>
4) <u>State Administration Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 201 creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act" to honor Bob Pipping's service, and to commemorate the sacrifices of military veterans and their families.

The bill authorizes the Florida Department of Transportation (FDOT) to enter into contracts with any not-for-profit organizations, in operation for at least three years, that wish to install monuments and memorials honoring Florida's military veterans at highway rest areas across the state. The installations may consist of monuments, memorials, plaques, markers, or various retired military equipment, and must honor the accomplishments and sacrifices of military veterans and their families.

The monuments' acquisition and installation costs must be paid by the organizations. In addition, the organizations are also required to provide a renewable 10-year bond to pay for site modifications or monument removal.

The bill creates an inter-agency committee to approve proposals for contracts.

The bill does not appear to have any state or local government fiscal impact.

The bill takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government** - This bill creates an inter-agency government committee to oversee contract proposals for rest area monuments honoring military veterans brought before FDOT. The committee would be composed of the FDOT Secretary or a designee, the Executive Director of the Florida Department of Veterans' Affairs or a designee, and three members of the Florida Commission on Veterans' Affairs appointed by the chair of the commission.

**Empower Families** - This bill supports and encourages families by allowing any not-for-profit group or organization to enter into contracts with FDOT for the purpose of honoring and recognizing the sacrifices of Florida's military veterans and their families at highway rest areas across the state.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

Ellwood Robinson 'Bob' Pipping, Jr., in 1989 erected a bronze replica monument of the Marine Corps War Monument near Arlington National Cemetery, which depicts Marines raising the American flag over Mount Surabachi after their victory on Iwo Jima during World War II (WWII). Pipping, a Navy WW II veteran who died in 1999, erected and maintained the monument on his private property, Pipping Groves, adjacent to Interstate 4 near Polk City. For years, the monument was a noticeable landmark, visible to motorists driving along I-4.

In 2002, I-4 was widened from four lanes to six, and the monument had to be removed and relocated to another part of Pipping's property. The Mid-Florida Young Marines, a not-for-profit 501(c)3 national youth education program for boys and girls ages eight through high school, and their commanders and sponsors provided maintenance for the monument before its removal and helped relocate it.

The monument has been maintained and relocated using private funds. A group recently asked FDOT if the monument could be moved to a rest area on I-4 near Auburndale. The group also wanted to expand the monument to honor all WWII veterans. FDOT officials indicated a change in state law was required to place the monument on public property.<sup>1</sup>

FDOT currently works with the Navy's Blue Angels in maintaining a replica Blue Angel jet at an interstate rest area.

Other states allow private groups to sponsor monuments honoring veterans on public property. A rest area in Lexington, N.C., contains a monument to the state's residents who died in Vietnam which is maintained by the North Carolina Vietnam Veterans. Another site in N.C. honors those who died in WWII and Korea and is completely maintained by private funds.

Under s. 337.11(1), F.S., FDOT is authorized to enter into contracts for the construction and maintenance of rest areas. Section 267.074(5)(b), F.S., authorizes FDOT to assist the state Division of Historical Resources in erecting and maintaining historic signs and markers within the right-of-way of state highways or any other property under FDOT jurisdiction.

Section 479.28, F.S., authorizes FDOT to contract with private contractors for the construction, erection, and maintenance of rest area information panels or devices that provide travelers information of specific interest and that promote tourist-oriented businesses.

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<sup>1</sup> Ruffy, *Stargel Bill Would Bring Back Iwo Jima Monument to I-4*, The Ledger, March, 23, 2004.

Section 479.02, F.S., directs FDOT to regulate the size, height, lighting, and spacing of signs permitted in zoned and unzoned commercial areas and zoned and unzoned industrial areas along the interstate highway system and the federal-aid primary highway system. The regulations must conform to Title I of the Highway Beautification Act of 1965 and Title 23, United States Code, and other federal regulations.

Section 256.13, F.S., directs FDOT to fly the Prisoner of War-Missing in Action (POW-MIA) flag at each rest area along interstate highways in Florida year round. FDOT manages and operates 55 rest areas and four welcome centers across the state.

Effects of Proposed Changes:

HB 201 creates the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act” to honor Bob Pipping’s service and efforts to commemorate the sacrifices of veterans and to remind state residents and visitors of the accomplishments and sacrifices of Florida’s military veterans and their families.

This bill authorizes FDOT to enter into contracts with any not-for-profit organizations in operation for not less than three years that wish to install monuments and memorials honoring Florida’s military veterans at highway rest areas across the state. The installations may consist of monuments, memorials, plaques, markers, or various retired military equipment and must honor the accomplishments and sacrifices of military veterans and their families.

This bill creates a committee to approve proposals for contracts. The committee would be composed of the secretary of the FDOT or a designee, the executive director of the Florida Department of Veterans’ Affairs or a designee, and three appointed members of the Florida Commission on Veterans’ Affairs appointed by the chair of the commission. Those appointed to the committee would have terms not longer than two years, which would expire January 31<sup>st</sup> of each even-numbered year. Committee members may be reappointed.

This bill stipulates that the not-for-profit organization making a proposal is fully responsible for the monument’s cost and its installation. The group must also secure a 10-year bond to cover the cost of modifications necessary to the site for the installation of the monument and the cost of removal in case the FDOT, with the approval of the committee created in the bill, should determine the monument should be relocated or removed. Prior to the bond’s expiration, it must be renewed for another 10-year period as long as the memorial remains in place.

C. SECTION DIRECTORY:

Section 1. Creates the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act.”

Section 2. Provides the purpose of the act.

Section 3. Authorizes the FDOT to enter into contracts with not-for-profit groups proposing to install monuments, which honor Florida’s military veterans and their families, at rest stops across the state pursuant to certain provisions contained in the act.

Section 4. Provides that this bill takes effect 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:

It is unclear if there would be administrative costs (i.e. travel) associated with the operation of the committee and the contract approval process created in the bill, and which entity, private or public, would be responsible for such costs. If there are administrative costs to the state, they are indeterminate since it is unknown how many groups would bring contract proposals to the FDOT.

The FDOT does not anticipate any fiscal impact.<sup>2</sup>

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 on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not-for-profit groups or organizations may voluntarily enter into contracts with the FDOT to install monuments and memorials honoring Florida's military veterans and their families. The groups would be solely responsible for the acquisition, installation and removal costs. The amounts of these costs to the groups are indeterminate and will vary according to the contract and the type of monument.

D. FISCAL COMMENTS:

Not-for-profit groups and organizations are responsible for the installation costs of their proposed monuments or memorials. The groups must also secure a 10-year bond to cover the cost of removal in case the FDOT, with the approval of the committee created in the bill, should determine the monument should be relocated or removed.

It is unclear which entity, private or public, would be responsible for any administrative costs which may be associated with the operation of the committee and the contract approval process created in the bill.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

There do not appear to be any constitutional issues with this bill.

B. RULE-MAKING AUTHORITY:

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<sup>2</sup> See email from Sarah Strickland, Department of Transportation (February 24, 2005) (on file with Committee on Military and Veteran Affairs).

FDOT appears to have sufficient rule-making authority to enter into contracts with not-for-profit groups.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On February 23, 2005, the Committee on Military and Veteran Affairs twice amended this bill before voting to report the bill favorably. One amendment added language to restrict the groups or organizations applying for monuments and memorials under this bill to not-for-profits that have been operating for at least three years. The other amendment removed the provisions in the bill regarding specific mention of the bearing of maintenance costs by the groups applying for the monuments and memorials and the maintenance accounts which the FDOT would have been responsible for administering. The committee then voted to report the bill favorably with committee substitute by a vote of 7 to 0.