

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation Committee

BILL: SB 868

SPONSOR: Senator Dockery

SUBJECT: Rest Area Memorials

DATE: March 9, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	Favorable
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." The bill authorizes the Department of Transportation (FDOT) to contract with groups or organizations 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 provides for a committee, for membership and term limits. This bill requires approval by the committee for contracts, conditions for approval, and states the group or organization making the proposal will be responsible for costs and installation of the monuments. There are no known or expected fiscal impacts on state government general revenue.

This bill creates unnumbered sections of the Florida Statutes.

II. Present Situation:

Ellwood Robinson 'Bob' Pipping, Jr., erected a bronze replica monument based on the Marine Corps War Monument depicting Marines raising the American flag over Mount Surabachi on Iwo Jima during World War II (WWII), in 1989. Pipping, a WW II Navy veteran who died in 1999, erected and maintained the monument on his private property, Pipping Groves, adjacent to Interstate 4 near Polk City. The monument was a noticeable landmark, visible to motorists driving along I-4 for years until in 2002, I-4 was widened from four lanes to six, requiring the relocation of the monument to another part of Pipping's property. The Mid-Florida Young Marines, a not-for-profit 501(c)3 national youth education program provided maintenance for the monument before its removal and helped relocate it using private funds. A group recently asked FDOT if the monument could be moved to a westbound I-4 rest area near Auburndale.

A replica Navy jet, located at an Interstate 10 rest area near Pensacola, is maintained through an agreement with the Blue Angels. Other states allow private groups to sponsor monuments honoring veterans on public property. A monument to North Carolinians who died in Vietnam is located at a rest area in Lexington, North Carolina and is maintained by the North Carolina Vietnam Veterans. Another site in North Carolina honors those who died in WWII and Korea and is completely maintained by private funds.

Section 256.13, F.S., requires FDOT to fly the POW-MIA flag year round at each of the rest areas along interstate highways.

Section 267.074, F.S., directs the Division of Historical Resources of the Department of State to coordinate the State Historical Marker Program to inform the general public about persons, events, structures, and other topics relating to the history and culture of the state. FDOT is authorized to permit and assist the division in erecting and maintaining these historic signs or markers within the right-of-way of any state highway, county road, or municipal street, or any other property under its jurisdiction and control. The division is vested with the exclusive authority and power to erect and maintain these historic signs or markers within the right-of-way of any state highway.

Section 479.02, F.S., requires the FDOT to implement a rest area information panel or devices program at rest areas along the interstate highway system and the federal-aid primary highway system to promote tourist-oriented businesses. Section 479.28, F.S., allows FDOT to contract with private persons for the construction, erection, and maintenance of the rest area information panels or devices.

III. Effect of Proposed Changes:

Section 1 establishes the popular name of the act, the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act.”

Section 2 declares the purpose of the act to be the creation of an environment allowing Floridians and visitors to be reminded of the accomplishments and sacrifices made by military veterans.

Section 3 authorizes FDOT to enter contracts with any group or organization for the installation and maintenance of monuments and memorials honoring military veterans at highway rest areas. Proposals would be approved by a committee composed of:

- the Secretary of the FDOT (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).

Installations may be monuments, memorials, plaques, markers, or various retired military equipment. The sponsoring group is responsible for all costs of the monument, its installation, and the cost of any maintenance. The sponsoring group must provide funds annually to a maintenance account held by the FDOT. Additionally, the sponsoring group must provide a 10 year bond sufficient to cover the cost of removing the monument should the group fail to provide sufficient funds for maintenance of the monument for two consecutive years.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

In addition to the cost of a monument and its installation, voluntary sponsorship of a monument will require the sponsoring entity to provide maintenance costs of indeterminate amounts.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
