

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 608

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Hukill

SUBJECT: Monuments on the Capitol Complex

DATE: March 25, 2014 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>McKay</u>	<u>McVaney</u>	<u>GO</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 608 establishes a framework for the placement of monuments on the Capitol Complex that requires the Florida Historical Commission (Commission) to approve the design and placement of Capitol Complex monuments authorized by the Legislature. The bill requires the Department of Management Services (DMS) to submit recommendations to the Commission on the design and placement of authorized monuments, which the Commission must consider.

The bill also requires the DMS, in consultation with the Commission, to set aside an area of the Capitol Complex to be dedicated as a memorial garden for the placement of authorized monuments. The Commission is authorized to direct existing monuments situated on the Capitol Complex to be moved to the memorial garden.

Finally, the bill establishes the POW-MIA Chair of Honor Memorial in the Capitol Complex to honor the sacrifices endured by members of the U.S. Armed Forces who were held as prisoners of war or remain missing in action. The new framework provided in the bill will be applied to determine the appropriate design and placement of the Chair of Honor. The Commission, in carrying out its new duty, is required to consult with the DMS, the Florida Department of Veterans' Affairs, and the Florida chapters of the Rolling Thunder, Inc., when approving the design and placement of the Chair of Honor. The Chair of Honor will be funded by the Florida chapters of the Rolling Thunder, Inc., without appropriation of state funds.

II. Present Situation:

Veterans in Florida

Florida has the third largest population of veterans in the nation with over 1.5 million, behind only California and Texas.¹ Florida has more than 113,000 veterans from World War II, the largest number in the nation.² In addition, approximately 75 percent of Florida's veteran population is wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are approximately 187,000 military retirees who call Florida home.³

Military Recognition by Florida Legislature

The Legislature recognizes the military service of Florida residents through the Florida Veterans' Hall of Fame and the Florida Medal of Honor Wall. The Florida Veterans' Hall of Fame recognizes and honors those military veterans who, through their works and lives during or after military service, made a significant contribution to the State of Florida.⁴ The Florida Medal of Honor Wall recognizes and honors those who are accredited, or associated by birth, to the State of Florida, who through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, earned the Medal of Honor.⁵

POW-MIA

More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War.⁶ As of October, 2013, there are a total of 1,643 unaccounted for military servicemembers in Southeast Asia since the end of the Vietnam War, with 57 indicating Florida as their home of record.⁷ In addition, 32 military servicemembers from Florida have either been accounted for (including POW returnees and POW escapees) or their remains have been recovered and identified since the end of the war.⁸

In accordance with the Missing Service Personnel Act,⁹ the current number of personnel missing from operations in Iraq and other current conflicts is seven: two service members from Operation Desert Storm; and one service member and three Department of Defense contractors from Operation Iraqi Freedom; and one service member from Operation Enduring Freedom.¹⁰

¹ FDVA, Annual Report Fiscal Year 2012-13, Facts and Figures. p. 4. Available at: <http://floridavets.org/wp-content/uploads/2013/12/Annual-Report-2012-13-Final.pdf>

² *Id.*

³ FDVA, Fast Facts, available at: http://floridavets.org/?page_id=50.

⁴ s. 265.003, F.S.

⁵ s. 265.002, F.S.

⁶ Department of Defense Prisoner of War, Missing Personnel Office (DPMO), available at: <http://www.dtic.mil/dpmo/>.

⁷ *Id.*

⁸ *Id.*

⁹ 10 U.S.C. sections 1501-1513, Missing Service Personnel Act (MSPA). The MSPA tasks the DPMO with responsibility for policy, control and oversight of the entire process of investigation and recovery of missing persons (including matters related to search, rescue, escape and evasion) and for coordination between the Department of Defense and other U.S. agencies on all matters concerning missing persons.

¹⁰ DPMO website, available at: <http://www.dtic.mil/dpmo/>

Rolling Thunder, Inc.

Incorporated in 1995, Rolling Thunder, Inc. is a class 501(c)(4) non-profit organization with over 94 chartered chapters throughout the United States and members abroad, including eight chapters in Florida.¹¹

The major function of Rolling Thunder, Inc. is to publicize the POW-MIA issue, educate the public that many American Prisoners of War were left behind after all previous wars, and help correct the past and to protect future veterans from being left behind should they become Prisoners Of War-Missing In Action.¹²

Managing Agency for the Capitol Center

Chapter 272, F.S., provides that the Capitol Center is under the general control and supervision of the DMS,¹³ which includes the management and maintenance of both the grounds and buildings.¹⁴ Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹⁵ This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.¹⁶ After an entity is assigned a designated space within the Capitol Center for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with the DMS.¹⁷

Florida Historical Commission

The Florida Historical Commission (Commission) was established by the Legislature in 2001 to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.¹⁸ The Commission is created within the Department of State and is tasked with advising and assisting the Division of Historical Resources in carrying out its programs, duties and responsibilities.¹⁹

Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State, two by the President of the Senate and two by the Speaker of the House of Representatives.²⁰ The Commission must include:

- A licensed architect with expertise in historic preservation and architectural history;
- A professional historian in the field of American history;
- A professional architectural historian;

¹¹ Rolling Thunder, Inc. website, available at: <http://www.rollingthunder1.com/index.html>.

¹² *Id.*

¹³ Section 272.03, F.S.

¹⁴ Section 272.09, F.S.

¹⁵ Section 272.07, F.S.

¹⁶ Department of Management Services, House Bill 731 Agency Analysis (October 25, 2013) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁷ *Id.*

¹⁸ Chapter 2001-199, L.O.F.

¹⁹ Section 267.0612, F.S.

²⁰ Section 267.0612(1)(a)1., F.S.

- An archaeologist specializing in the field of prehistory;
- An archaeologist specializing in the historic period; and
- Representatives of the general public with demonstrated interest in the preservation of Florida's historical and archaeological heritage.²¹

The Commission is statutorily required to provide assistance, advice, and recommendations to the Division of Historical Resources in:

- Establishing priorities for the identification, acquisition, protection, and preservation of historic and archaeological sites and properties;
- Establishing criteria for use in assessing the significance of historic and archaeological sites and properties;
- Evaluating proposals for awards of special category historic preservation grants-in-aid administered by the Division of Historical Resources;
- Providing an active outreach program to encourage public understanding of and involvement in the preservation of the state's historic and archaeological sites and properties;
- Identifying and expressing public goals for historic preservation and gathering public ideas necessary for the formulation of alternative policies; and
- Recommending rules relating to the historic preservation programs administered by the Division of Historical Resources pursuant to ch. 267, F.S.²²

III. Effect of Proposed Changes:

Section 1 creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial in the Capitol Complex to honor the sacrifices endured by members of the U.S. Armed Forces who were held as prisoners of war or remain missing in action. The bill directs the Florida Historical Commission to approve the design and placement of the Chair of Honor, taking into consideration recommendations from the DMS, the Florida Department of Veterans' Affairs, and the Florida chapters of the Rolling Thunder, Inc. The Chair of Honor will be funded by the Florida chapters of the Rolling Thunder, Inc., without appropriation of state funds.

Section 2 creates s. 265.111, F.S., to establish a framework for the placement of monuments on the Capitol Complex. The bill defines the term "monument" to mean a permanent structure such as a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of a significant person or event in Florida history.

The bill prohibits the placement of a monument on the premises of the Capitol Complex unless authorized by general law and unless the design and placement of the monument is approved by the Florida Historical Commission (Commission). The DMS must submit recommendations to the Commission regarding the design and placement of an authorized monument.

The bill also requires the DMS in consultation with the Commission to set aside an area of the Capitol Complex to be dedicated as a memorial garden for authorized monuments to be placed. The Commission is authorized to direct existing monuments situated on the Capitol Complex to be moved to the memorial garden.

²¹ *Id.*

²² s. 267.0612(6)(a)-(f), F.S.

Section 3 amends s. 267.0612, F.S., to add oversight of the design and placement of authorized monuments to the duties and responsibilities of the Commission. In this new role, the Commission must consider recommendations submitted by the DMS regarding the design and placement of monuments.

Section 4 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DMS will incur minimal costs associated with the maintenance of the POW-MIA Chair of Honor monument area.²³ The DMS could incur additional costs in creating the memorial garden and moving existing monuments to the garden pursuant to the direction of the commission.

VI. Technical Deficiencies:

None.

²³ See *supra* note 16.

VII. Related Issues:

The bill grants authority to an advisory commission to direct the actions of a state executive branch agency, inconsistent with the general powers of a commission,²⁴ and the specific duty of the Florida Historical Commission to serve in an “advisory capacity.”

Senate Bill 250 directs the DMS to designate an area in the Capitol courtyard for a memorial for Henry Morrison Flagler.²⁵

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 265.0031 and 265.111.

This bill amends section 267.0612 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on March 5, 2014:

The committee substitute makes the following changes:

- Prohibits monuments from being placed on the premises of the Capitol Complex unless authorized by general law.
- Requires the Commission to approve the design and placement of monuments authorized by the Legislature, taking into consideration recommendations from the DMS.
- Requires the DMS in consultation with the Commission to set aside an area of the Capitol Complex to be dedicated as a memorial garden for authorized monuments to be placed or for existing monuments to be resituated.
- Requires the Commission to approve the design and placement of the POW-MIA Chair of Honor, taking into consideration recommendations of the DMS, the Florida Department of Veterans’ Affairs, and the Florida chapters of the Rolling Thunder, Inc.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

²⁴ Section 20.03(10), F.S.

²⁵ As of March 21, 2014, SB 250 has been reported favorably by two Senate committees, and is in the Appropriations Committee.