

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 Rules

BILL: CS/CS/SB 608

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

SUBJECT: Monuments on the Capitol Complex

DATE: April 10, 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>Favorable</u>
3.	<u>Ryon</u>	<u>Phelps</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 608 establishes a framework for the placement and design of monuments authorized by the Legislature to be placed on the premises of the Capitol Complex. This framework designates the Department of Management Services (DMS) as the entity responsible for approving the design and placement of such monuments. In carrying out this responsibility, the DMS must consider recommendations from the Florida Historical Commission and consult with the Division of Historical Resources of the Department of State.

The bill also requires the DMS, in consultation with the Florida Historical Commission, to set aside an area of the Capitol Complex to be dedicated as a memorial garden for the placement of authorized monuments.

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 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, the Florida Medal of Honor Wall, the Florida Veterans' Walk of Honor, and the Florida Veterans' Memorial Garden. 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 The Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden recognizes and honors those military veterans who have made significant contributions to the state through their service to the United States.⁶

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.⁷ 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.⁸ 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.⁹

In accordance with the Missing Service Personnel Act,¹⁰ the current number of personnel missing from operations in Iraq and other current conflicts is seven: two service members from Operation

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 Section 265.003, F.S.

⁵ Section. 265.002, F.S.

⁶ Section 5, ch. 2014-1, L.O.F. Section 5 became effective on March 31, 2014.

⁷ Department of Defense Prisoner of War, Missing Personnel Office (DPMO), available at: <http://www.dtic.mil/dpmo/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ 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.

Desert Storm; and one service member and three Department of Defense contractors from Operation Iraqi Freedom; and one service member from Operation Enduring Freedom.¹¹

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.¹²

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.¹³

Managing Agency for the Capitol Center

Chapter 272, F.S., provides that the Capitol Center¹⁴ is under the general control and supervision of the DMS,¹⁵ which includes the management and maintenance of both the grounds and buildings.¹⁶ Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹⁷ 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.¹⁸ 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.¹⁹

The “Capitol Complex” is defined to include:

“that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.”²⁰

¹¹ DPMO website, available at: <http://www.dtic.mil/dpmo/>

¹² Rolling Thunder, Inc. website, available at: <http://www.rollingthunder1.com/index.html>.

¹³ *Id.*

¹⁴ Section 272.12, F.S., describes the Tallahassee area bounded by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

¹⁵ Section 272.03, F.S.

¹⁶ Section 272.09, F.S.

¹⁷ Section 272.07, F.S.

¹⁸ Department of Management Services, Senate Bill 608 Agency Analysis (February 19, 2014) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁹ *Id.*

²⁰ Section 281.01, F.S.

Division of Historical Resources

The Division of Historical Resources is established within the Department of State²¹ and is charged with encouraging identification, evaluation, protection, preservation, collection, conservation and interpretation of, and public access to, information about Florida's historic sites, properties and objects related to Florida's history and culture.²² This includes cooperating with, advising and assisting federal and state agencies and local governments in carrying out their historic preservation responsibilities.

Florida Historical Commission

The Legislature established the Florida Historical Commission (Commission), within the Department of State, in 2001 for the purpose of assisting the Division of Historical Resources in carrying out its programs, duties, and responsibilities.²³ The Commission is comprised of eleven members appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives and must include licensed architects and historians with required specializations.²⁴

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.²⁵

III. Effect of Proposed Changes:

Section 1 creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial on the premises of 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 DMS to approve the design and placement of the Chair of Honor, taking into consideration recommendations from the Florida Department of Veterans' Affairs, the Florida chapters of the Rolling Thunder, Inc., and the Florida Historical Commission. Additionally, DMS must

²¹ Section 20.10(2)(b), F.S.

²² Section 267.031, F.S.

²³ Chapter 2001-199, L.O.F.

²⁴ Section 267.0612(1)(a)1., F.S.

²⁵ s. 267.0612(6)(a)-(f), F.S.

coordinate with the Division of Historical Resources regarding the Chair of Honor's design and placement.

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 construction and 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, not including any "Official Florida Historical Marker" as defined in s. 267.021, F.S.

The bill prohibits the construction and 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 DMS after considering recommendations of the Florida Historical Commission. Additionally, the DMS must coordinate with the Division of Historical Resources regarding a monument's design and placement.

The bill also requires the DMS in consultation with the Florida Historical Commission to set aside an area of the Capitol Complex, excluding the State Capitol Circle Office Complex, to be dedicated as a memorial garden on which authorized monuments shall be placed.

Section 3 amends s. 267.0612, F.S., to include providing recommendations to the DMS on the design and placement of Capitol Complex monuments as an additional responsibility of the Florida Historical Commission.

Section 4 creates an undesignated section of the Florida Statutes to state that the provisions in section 2 of the bill do not apply to a monument constructed and placed on the premises of the Capitol Complex before July 1, 2014.

Section 5 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.²⁶ The DMS could incur additional costs in creating the memorial garden.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Senate Bill 250 directs the DMS to designate an area in the Capitol courtyard for a memorial for Henry Morrison Flagler.²⁷ Chapter 2014-1, L.O.F., directs the DMS to designate an area on the Capitol Complex grounds for a Florida Veterans' Walk of Honor and a Florida Veterans' Memorial Garden.²⁸

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.

This bill creates an undesignated section 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/CS by Rules on April 9, 2014:

- Shifts the responsibility of approving the placement and design of authorized Capitol Complex monuments from the Florida Historical Commission to the DMS.
- Clarifies that the memorial garden may not be established on the premises of the State Capitol Circle Office Complex.

²⁶ See *supra* note 18.

²⁷ As of April 10, 2014, SB 250 has been reported favorably by two Senate committees, and is in the Appropriations Committee.

²⁸ CS/CS/HB 7015 was signed into law on March 31, 2014, and became effective on that date.

- Removes the provision in the bill allowing existing Capitol Complex monuments to be resituated in the memorial garden.
- Provides that the monument placement and design framework does not apply to monuments constructed before July 1, 2014.

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

- Prohibits monuments from being placed on the premises of the Capitol Complex unless authorized by general law.
- Requires the Florida Historical 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 Florida Historical 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 Florida Historical 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.