

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HB 731	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Government Operations Appropriations Subcommittee; Hood Jr. and others	117 Y's	0 N's
<b>COMPANION BILLS:</b>	CS/CS/SB 608	<b>GOVERNOR'S ACTION:</b>	Approved

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**SUMMARY ANALYSIS**

CS/HB 731 passed the House on April 1, 2014. The bill was amended by the Senate on April 24, 2014, and subsequently passed the House on May 2, 2014. The bill establishes the POW-MIA Chair of Honor Memorial (Memorial) to honor the sacrifices endured by members of the United States Armed Forces who were held as Prisoners Of War or remain Missing In Action.

The bill requires the Department of Management Services (DMS) to consider recommendations from the Florida Department of Veterans' Affairs, the Florida chapters of Rolling Thunder, Inc., and the Florida Department of State's Florida Historical Commission (Commission), when approving the design and placement of the Memorial. The bill also requires the DMS to coordinate with the Florida Department of State's Division of Historical Resources.

The Memorial will be funded by the Florida chapters of Rolling Thunder, Inc., without a direct appropriation of state funds. The DMS is expected to incur minimal costs associated with the maintenance of the area in which the Memorial is placed.

The bill requires the DMS, in consultation with the Commission, to dedicate a memorial garden on the Capitol Complex. Monuments constructed on or after July 1, 2014, are required to be placed in the memorial garden.

The bill was signed by the Governor on June 13, 2014, ch. 2014-126, L.O.F., and will become effective on July 1, 2014.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Current Situation**

##### Prisoners of War-Missing In Action (POW-MIA)

More than 83,000 Americans remain missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War.<sup>1</sup> Currently, there are a total of 9,533 unaccounted for military servicemembers from the Korean War and the Vietnam War,<sup>2</sup> with 217 indicating Florida as their home of record.<sup>3</sup> In addition, 34 military servicemembers from Florida have either been accounted for (including POW returnees and POW escapees) or their remains have been recovered and identified from the Korean War and the Vietnam War.<sup>4</sup>

In accordance with the Missing Service Personnel Act,<sup>5</sup> the current number of personnel missing from operations in Iraq and other current conflicts is seven: two servicemembers from Operation Desert Storm; one servicemember and three Department of Defense contractors from Operation Iraqi Freedom; and one servicemember from Operation Enduring Freedom.<sup>6</sup>

##### Military Recognition by the Florida Legislature

The Florida 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.<sup>7</sup> 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.<sup>8</sup>

There are no funds generated by the Veterans' Hall of Fame or Medal of Honor Wall for the benefit of veterans or their families.

##### Rolling Thunder, Inc.

Incorporated in 1995, Rolling Thunder, Inc., is a non-profit organization with over 94 chartered chapters throughout the United States and members abroad, including eight chapters in Florida.<sup>9</sup>

The major function of Rolling Thunder, Inc., is to publicize the POW-MIA issue: to educate the public that many American Prisoners Of War were left behind after all previous wars and to help correct the

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<sup>1</sup> Department of Defense Prisoner of War, Missing Personnel Office (DPMO), available at: <http://www.dtic.mil/dpmo> (last viewed June 26, 2014).

<sup>2</sup> DPMO website, Summary Statistics, available at: [http://www.dtic.mil/dpmo/summary\\_statistics/](http://www.dtic.mil/dpmo/summary_statistics/) (last viewed June 26, 2014).

<sup>3</sup> DPMO website, Korean War, POW/MIA List, U.S. Servicemen, by Home of Record State, available at: <http://www.dtic.mil/dpmo/korea/reports/state/?State=fl> (last viewed June 26, 2014); DPMO website, Vietnam War, POW/MIA List, U.S. Servicemen, by Home of Record State, available at: <http://www.dtic.mil/dpmo/vietnam/reports/state/?State=fl> (last viewed June 26, 2014).

<sup>4</sup> Id.

<sup>5</sup> 10 U.S.C. §§ 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.

<sup>6</sup> DPMO website, available at: <http://www.dtic.mil/dpmo/> (last viewed June 26, 2014).

<sup>7</sup> s. 265.003, F.S.

<sup>8</sup> s. 265.002, F.S.

<sup>9</sup> Rolling Thunder, Inc., website, available at: <http://www.rollingthunder1.com/index.html> (last viewed June 26, 2014).

past and to protect the future veterans from being left behind should they become Prisoners Of War or Missing In Action.<sup>10</sup>

### Management of the Capitol Complex

The DMS serves as the managing agency for the Capitol Complex<sup>11</sup>, which includes the operation and maintenance of both the grounds and buildings. According to the DMS, this responsibility for the condition of the facilities has historically included assistance in establishing and maintaining public memorials throughout the Capitol Complex.<sup>12</sup> Tasks include project management oversight of the design and construction of memorials and restoration of the state's historic structures. This activity involves coordination with the designated administering agency and often the Department of State, Division of Historical Resources.

### Division of Historical Resources

The Division of Historical Resources is established within the Department of State<sup>13</sup> 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.<sup>14</sup> 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 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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup>

## **Effect of the Bill**

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<sup>10</sup> Rolling Thunder, Inc., website, available at: <http://www.rollingthunder1.com/index.html> (last viewed June 26, 2014).

<sup>11</sup> Section 281.01 of the Florida statutes defines "Capitol Complex" to include the portions 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.

<sup>12</sup> See the Agency Bill Analysis for SB 608. The analysis is on file with the House Veteran & Military Affairs Subcommittee staff.

<sup>13</sup> s. 20.10(2)(b), F.S.

<sup>14</sup> s. 267.031, F.S.

<sup>15</sup> ch. 2001-199, L.O.F.

<sup>16</sup> s. 267.0612(1)(a)1., F.S.

<sup>17</sup> s. 267.0612(6)(a)-(f), F.S.

The bill creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial to honor the sacrifices endured by members of the United States Armed Forces who were held as Prisoners of War or remain Missing In Action. The bill requires the DMS to designate an area of the Capitol Complex for the memorial and to consult with the DVA, the Florida chapters of Rolling Thunder, Inc., the Division of Historical Resources, and the Commission regarding the design, construction, installation, and continuous management of the Memorial.

The Memorial will be funded by the Florida chapters of Rolling Thunder, Inc., without a direct appropriation of state funds; however, the DMS will incur minimal costs associated with the maintenance of the area in which the Memorial is placed.

The bill also creates s. 265.111, F.S., to establish a framework for the construction and placement of monuments on the Capitol Complex. The bill requires the DMS, in consultation with the Commission, to dedicate a memorial garden on the Capitol Complex. Monuments constructed on or after July 1, 2014, are required to be placed in the memorial garden.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The Memorial will not require a direct appropriation of state funds, but the DMS will incur minimal costs associated with the maintenance of the area in which the Memorial is placed.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.