

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 163 POW-MIA Veterans Bracelet Memorial

SPONSOR(S): Giallombardo and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 416

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	16 Y, 0 N	Roth	Smith
2) State Administration & Technology Appropriations Subcommittee	13 Y, 0 N	Helpling	Topp
3) State Affairs Committee			

SUMMARY ANALYSIS

“You Are Not Forgotten,” is the central phrase behind the Prisoner of War-Missing in Action (POW-MIA) remembrance movement which honors America’s prisoners of war and those who are still missing. During the official Vietnam War era, lasting from 1964 to 1975, approximately 9,087,000 military personnel served on active duty. One out of every ten Americans who served in Vietnam was a casualty and as of January 2021, there remain missing 1,585 Vietnam veterans. Florida is home to more than 498,000 Vietnam veterans.

The bill authorizes the creation and placement of a POW-MIA Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War era. The memorial will be funded and administered by the Big Bend Chapter 96 of the Vietnam Veterans of America (VVA).

The bill directs the Department of Management Services (DMS) to identify and make an appropriate area available for construction and placement of the memorial in Tallahassee, specifically along South Monroe Street and on or near the premises of the Capitol Complex. In deciding the monument’s design and placement, DMS must consider recommendations by the VVA and the Florida Historical Commission.

The bill may have an insignificant negative fiscal impact on DMS for reviewing the monument’s design and determining placement of the memorial. The bill does not have a fiscal impact on local governments or the private sector.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

POW-MIA

“You Are Not Forgotten,” is the central phrase behind the Prisoner of War-Missing in Action (POW-MIA) remembrance movement which honors America’s prisoners of war and those who are still missing.¹ Many service members suffered as prisoners of war during several decades of varying conflicts.² While some of them made it home, tens of thousands more never did.³

In the 1970s, bracelets became a popular form of remembering those who were POW-MIA.⁴ The POW-MIA bracelet was introduced on Veterans Day, November 11, 1970, at the annual meeting of the National League of POW-MIA Families in Washington D.C.⁵ Engraved in each bracelet is the name, rank, branch of service, and date reported missing of a soldier from as far back as World War II.⁶ These iconic bracelets are still worn by Americans today as a symbol of those listed as either Prisoners of War or Missing in Action.⁷

Vietnam War

During the official Vietnam War era, lasting from August 5, 1964 to May 7, 1975, approximately 9,087,000 military personnel served on active duty.⁸ One out of every ten Americans who served in Vietnam was a casualty: 58,148 were killed and 304,000 wounded out of 2.7 million who served.⁹ As of January 2021, there are 1,585 Vietnam veterans who remain missing.¹⁰ Florida is home to more than 498,000 Vietnam veterans.¹¹

On November 12, 1985, Governor Bob Graham dedicated Florida’s Vietnam War Memorial.¹² The memorial, with its twenty-eight by fifteen foot U.S. flag, contains the names of all known Floridians killed in the war.¹³ The memorial is located in downtown Tallahassee, across from the Old Capitol Building.

Memorials and Monuments

The Capitol Center¹⁴ is under the general control and supervision of the Department of Management Services (DMS),¹⁵ which includes the management and maintenance of both the grounds and buildings.¹⁶ Additionally, DMS has the authority to provide for the establishment of parks, walkways,

¹ Military.com, *4 Things to Know About POW/MIA Recognition Day*, available at <https://www.military.com/history/4-things-know-pow-mia-recognition-day.html> (last visited February 11, 2021).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Vietnam Veterans of America, Big Bend Chapter 96, *POW-MIA Veterans Bracelet Memorial brochure*, (on file with the Government Operations Subcommittee).

⁶ *Id.*

⁷ *Id.*

⁸ US Wings, *Vietnam War Facts, Stats and Myths*, available at <https://www.uswings.com/about-us-wings/vietnam-war-facts/> (last visited February 8, 2021).

⁹ *Id.*

¹⁰ Defense POW/MIA Accounting Agency, *Progress in Vietnam*, available at <https://www.dpaa.mil/Resources/Fact-Sheets/Article-View/Article/569613/progress-in-vietnam/> (last visited February 8, 2021).

¹¹ Florida Department of Veteran’s Affairs, *State of Florida Veteran’s Memorials: Vietnam War Memorial*, available at <https://floridavets.org/locations/state-of-florida-veterans-memorials/> (last visited February 10, 2021).

¹² *Id.*

¹³ *Id.*

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

¹⁵ Section 272.03, F.S.

¹⁶ Section 272.09, F.S.

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 DMS.¹⁹

The construction and placement of a monument²⁰ on the premises of the Capitol Complex²¹ is prohibited unless authorized by general law and unless the design and placement of the monument is approved by DMS after considering the recommendations of the Florida Historical Commission (Commission).²² Additionally, DMS must coordinate with the Division of Historical Resources of the Department of State (Division) regarding a monument's design and placement.²³ DMS, in consultation with the Commission, is required to set aside an area of the Capitol Complex to be dedicated as a memorial garden for the placement of authorized monuments.²⁴ Monuments constructed on or after July 1, 2014, are required to be placed in the memorial garden.²⁵ To date, the statutorily authorized Capitol Complex memorials are:

- Florida Women's Hall of Fame;²⁶
- Florida Medal of Honor Wall;²⁷
- Florida Veterans' Hall of Fame;²⁸
- POW-MIA Chair of Honor Memorial;²⁹
- Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden;³⁰
- Florida Tourism Hall of Fame;³¹
- Florida Law Enforcement Officers' Hall of Fame;³²
- Florida Holocaust Memorial;³³
- Florida Slavery Memorial;³⁴
- Arthur G. Dozier School for Boys Memorial;³⁵ and
- Florida Artists Hall of Fame.³⁶

Division of Historical Resources

¹⁷ Section 272.07, F.S.

¹⁸ See ch. 265, F.S., for a list of monuments established and maintained by DMS.

¹⁹ *Id.*

²⁰ "Monument" means a permanent structure such as a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of significant person or event in Florida history. The term does not include any "Official Florida Historical Marker" as defined in s. 267.021, F.S. Section 265.111(1), F.S.

²¹ The term "Capitol Complex" includes 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. Section 281.01, F.S.

²² Section 265.111(2), F.S.

²³ Section 265.111(2), F.S.

²⁴ The memorial garden must include a monument in remembrance of the 241 members of the United States Armed Forces who lost their lives on October 23, 1983, in Beirut, Lebanon. Section 265.111(3), F.S.

²⁵ Section 265.111(3), F.S.

²⁶ Section 265.001, F.S.

²⁷ Section 265.002, F.S.

²⁸ Section 265.003, F.S.

²⁹ Section 265.00301, F.S.

³⁰ Section 265.0031, F.S.

³¹ Section 265.004, F.S.

³² Section 265.0041, F.S.

³³ Section 265.005, F.S.

³⁴ Section 265.006, F.S.

³⁵ Section 265.007, F.S.

³⁶ Section 265.2865, F.S.

The Division,³⁷ is charged with encouraging identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.³⁸ Some of the Division's efforts include:

- Developing a comprehensive statewide historic preservation plan;
- Directing and conducting a comprehensive statewide survey and maintaining an inventory of historic resources;
- Ensuring that historic resources are taken into consideration at all levels of planning and development; and
- Providing public information, education, and technical assistance relating to historic preservation programs.³⁹

Florida Historical Commission

The Commission was established in 2001 to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.⁴⁰ The Commission is part of the Department of State and is tasked with advising and assisting the Division in carrying out its programs, duties, and responsibilities.⁴¹

The Commission is composed of eleven members of varying backgrounds and interests. Among the membership, seven 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.⁴²

The Commission is required to provide assistance, advice, and recommendations to the Division in a variety of areas.⁴³ One of those areas involves providing recommendations to DMS on the design and placement of monuments authorized by general law to be placed on the premises of the Capitol Complex pursuant to s. 265.111, F.S.⁴⁴

Vietnam Veterans of America, Big Bend Chapter 96

The Vietnam Veterans of America (VVA) has four levels of management and support: National, Regional Districts, State Councils, and individual Chapters.⁴⁵ The Big Bend Chapter 96 VVA is located in Tallahassee, Florida.⁴⁶ Membership is open to U.S. armed force veterans who served on active duty (for other than training purposes) in the Republic of Vietnam between February 28, 1961 and May 7, 1975, or in any duty location between August 5, 1964 and May 7, 1975.⁴⁷

Effect of Proposed Changes

The bill authorizes the creation and placement of a POW-MIA Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War era. The memorial will be funded and administered by the Big Bend Chapter 96 of the VVA.

The bill directs DMS, by July 1, 2022, to identify and make an appropriate area available for construction and placement of the memorial in Tallahassee, specifically along South Monroe Street and on or near the premises of the Capitol Complex. In deciding the monument's design and placement, DMS must consider recommendations by the VVA and the Commission.

B. SECTION DIRECTORY:

³⁷ Section 20.10(2)(b), F.S.

³⁸ Section 267.031, F.S.

³⁹ Section 267.031(5)(a),(b),(d), and (f), F.S.

⁴⁰ Chapter 2001-199, L.O.F.

⁴¹ Section 267.0612, F.S.

⁴² Section 267.0612(1)(a)1, F.S.

⁴³ Section 267.0612(6), F.S.

⁴⁴ Section 267.0612(9), F.S.

⁴⁵ VVA, Big Bend Chapter 96, *About*, available at <http://vva96.org/about.html> (last visited February 8, 2021).

⁴⁶ *Id.*

⁴⁷ *Id.*

Section 1: Creates s. 265.008, F.S., establishing the POW-MIA Veterans Bracelet Memorial.

Section 2: This act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There may be an insignificant negative fiscal impact to DMS for reviewing the monument's design and determining placement of the memorial.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants rulemaking authority to DMS.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting:

The bill language provides that the intent of the memorial is for those captured or missing in combat during the Vietnam War era, however, references throughout the bill to the POW-MIA Veterans Bracelet Memorial do not specify that the memorial is for Vietnam veterans.

The bill grants rulemaking authority to DMS that does not appear necessary for the creation and placement of the memorial.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.