

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 163 POW-MIA Veterans Bracelet Memorial

SPONSOR(S): State Affairs Committee, 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	22 Y, 0 N, As CS	Roth	Williamson

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, approximately 9,087,000 military personnel served on active duty. One out of every 10 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 Vietnam 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.

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 In the 1970s, bracelets became a form of remembering those who were POW-MIA.² 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.³

Vietnam War

During the official Vietnam War era, approximately 9,087,000 military personnel served on active duty.⁴ One out of every 10 Americans who served in Vietnam was a casualty.⁵ As of January 2021, there are 1,585 Vietnam veterans who remain missing.⁶ Florida is home to more than 498,000 Vietnam veterans.⁷

On November 12, 1985, Governor Bob Graham dedicated Florida’s Vietnam War Memorial. The memorial, which contains the names of all known Floridians killed in the war, is located in downtown Tallahassee, across from the Historic Capitol.⁸

Capitol Complex Memorials and Monuments

The Capitol Complex, located in Tallahassee, includes the inside and the curtilage outside of the downtown Capitol, Historic Capitol, Senate Office Building, House Office Building, Knott Building, Pepper Building, and Holland Building. State-owned lands and public streets adjacent to these buildings are also included. It also includes the State Capital Circle Office Complex, which is located in the southeast section of the city.⁹

The Capitol Center¹⁰ is under the general control and supervision of the Department of Management Services (DMS),¹¹ which includes the management and maintenance of both the grounds and buildings.¹² DMS, in consultation with the Florida Historical Commission (Commission), is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.¹³ A monument is defined 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.”¹⁴

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

⁴ 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).

⁵ *Id.*

⁶ 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).

⁷ 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).

⁸ *Id.*

⁹ Section 281.01, F.S.

¹⁰ 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.

¹¹ Section 272.03, F.S.

¹² Section 272.09, F.S.

¹³ Section 265.111(3), F.S.

¹⁴ Section 265.111(1), F.S.

The construction and placement of a monument on the premises of the Capitol Complex 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 Commission.¹⁵ Additionally, DMS must coordinate with the Division of Historical Resources within the Department of State regarding a monument's design and placement.¹⁶

Division of Historical Resources

The Division of Historical Resources is established within the Department of State¹⁷ and 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.¹⁸ 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.¹⁹

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.²⁰ 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.²¹

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.²²

The Commission is required to provide assistance, advice, and recommendations to the Division in a variety of areas.²³ 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.²⁴

Effect of Proposed Changes

The bill authorizes the creation and placement of a POW-MIA Vietnam 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 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.

¹⁵ Section 265.111(2), F.S.

¹⁶ Section 265.111(2), F.S.

¹⁷ Section 20.10(2)(b), F.S.

¹⁸ *See s. 267.031*, F.S.

¹⁹ Section 267.031(5)(a), (b), (d), and (f), F.S.

²⁰ Chapter 2001-199, L.O.F.

²¹ Section 267.0612, F.S.

²² Section 267.0612(1)(a)1., F.S.

²³ Section 267.0612(6), F.S.

²⁴ Section 267.0612(9), F.S.

B. SECTION DIRECTORY:

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

Section 2: Provides an effective date of 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 does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 10, 2021, the State Affairs Committee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS maintained the underlying bill and re-designated the POW-MIA Veterans Bracelet Memorial as the "POW-MIA *Vietnam* Veterans Bracelet Memorial," in order to clarify that the veterans memorialized participated in the Vietnam War. Additionally, the PCS removed the authority of DMS to conduct rulemaking.

This analysis is drafted to the committee substitute as approved by the State Affairs Committee.