

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 Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 416

INTRODUCER: Senator Burgess

SUBJECT: POW-MIA Veterans Bracelet Memorial

DATE: February 1, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 416 provides for the creation of the POW-MIA Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War.

The memorial will be funded and administered by the Big Bend Chapter 96, Vietnam Veterans of America, without state funding.

By July 1, 2022, the Department of Management Services (department) must identify and make available an appropriate area for construction and placement of the memorial in Tallahassee, specifically along South Monroe Street and on or near the premises of the Capitol Complex. The department will consult with the Vietnam Veterans of America and the Florida Historical Commission on the monument's design and placement.

The bill authorizes the department to adopt rules. The Department of Management Services will incur indeterminate costs in planning the design and placement of the memorial.

II. Present Situation:

Capitol Complex

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.¹ The rest of the Capitol Complex, the Capital Circle Office Center, is located in the southeast section of the city.²

Division of Historical Resources

The Division of Historical Resources, established within the Department of State,³ among its duties is responsible for:

- 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.⁴

Florida Historical Commission

The 2001 Florida Legislature established the Florida Historical Commission (commission) to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.⁵ The commission, part of the Department of State, is tasked with advising and assisting the Division of Historical Resources in carrying out its programs, duties, and responsibilities.⁶

The commission is composed of 11 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.⁷

The commission must provide assistance, advice, and recommendations to the Division of Historical Resources.⁸ The commission also provides recommendations to the Department of Management Services on the design and placement of monuments authorized by general law to be placed on the premises of the Capitol Complex.⁹

Memorials and Monuments

A monument is defined as:

¹ Section 281.01, F.S.

² Department of Management Services, *Capitol Complex Information*, Available at https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/facilities_management/building_information/capitol_complex_information (last visited Jan. 25, 2021).

³ Section 20.10(2)(b), F.S.

⁴ Section 267.031(5)(a),(b),(d), and (f), F.S.

⁵ Section 5, ch. 2001-199, L.O.F.

⁶ Section 267.0612, F.S.

⁷ Section 267.0612(1)(a)1. F.S.

⁸ Section 267.0612(6), F.S.

⁹ Section 267.0612(9), F.S.

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.¹⁰

The term “monument” does not include an Official Florida Historical Marker.¹¹

Legislative approval is required before initiating any building or placement of a monument on the premises of the Capitol Complex. After the Legislature designates in law a new monument, the department must approve the design and placement of the monument after considering the recommendation of the Florida Historical Commission.¹²

Chapter 265, F.S., recognizes various memorials and monuments for placement both inside and outside at the downtown Capitol Complex. To date, the Legislature has designated the following memorials:

- Florida Women’s Hall of Fame;¹³
- Florida Medal of Honor Wall;¹⁴
- Florida Veterans’ Hall of Fame;¹⁵
- POW-MIA Chair of Honor Memorial;¹⁶
- Florida Veterans’ Walk of Honor and Florida Veterans’ Memorial Garden;¹⁷
- Florida Tourism Hall of Fame;¹⁸
- Florida Law Enforcement Officers’ Hall of Fame;¹⁹
- Florida Holocaust Memorial;²⁰
- Florida Slavery Memorial;²¹
- Arthur G. Dozier School for Boys Memorial;²² and
- Florida Artists Hall of Fame.²³

Additionally, the Legislature designated a memorial garden to house approved monuments at the downtown Capitol Complex. One of the monuments designated for placement in the memorial garden is a monument in remembrance of the 241 members of the United States Air Forces who died on October 23, 1983, in Beirut, Lebanon.²⁴

¹⁰ Section 265.111(1), F.S.

¹¹ *Id.* An Official Florida Historical Marker is any marker, plaque, or similar device awarded, approved, or administered by the Division of Historical Resources to recognize and inform the public about historical properties, persons, events, and other topics relating to the history and culture of the state (s. 267.021(8), F.S.)

¹² Section 265.111(2), F.S.

¹³ Section 265.001, F.S.

¹⁴ Section 265.002, F.S.

¹⁵ Section 265.003, F.S.

¹⁶ Section 265.00301, F.S.

¹⁷ Section 265.0031, F.S.

¹⁸ Section 265.004, F.S.

¹⁹ Section 265.0041, F.S.

²⁰ Section 265.005, F.S.

²¹ Section 265.006, F.S.

²² Section 265.007, F.S.

²³ Section 265.2865, F.S.

²⁴ Section 265.111(3), F.S.

III. Effect of Proposed Changes:

SB 416 provides for the creation of the POW-MIA Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War.

The memorial will be funded and administered by the Big Bend Chapter 96, Vietnam Veterans of America, without state funding.

By July 1, 2022, the Department of Management Services (department) must 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, the department must consider recommendations by the Vietnam Veterans of America and the Florida Historical Commission.

The bill authorizes the department to adopt rules.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill establishes a memorial to recognize those who were captured or missing in action during the Vietnam War. However, the memorial is designated as the “POW-MIA Veterans Bracelet Memorial”. The Department of Veterans Affairs recommends that the “POW-MIA Veterans Bracelet Memorial” either be redesignated the “POW-MIA Vietnam Veterans Bracelet Memorial”, or that the memorial be broadened to include the names of other POW-MIA veterans besides those who participated in Vietnam. As the Big Bend Chapter 96 of the Vietnam Veterans of America is funding the memorial, the bill sponsor may wish to amend the bill to include the term “Vietnam” in the name of the memorial.²⁵

Additionally, the Department of Management Services does not anticipate incurring any costs or having a need for rulemaking, as the memorial has already been paid for and designed by the sponsoring organization. Therefore, the bill sponsor may wish to amend the bill to remove rulemaking authority.²⁶

VIII. Statutes Affected:

This bill creates section 265.008, Florida Statutes.

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

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

None.

B. Amendments:

None.

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

²⁵ Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis, SB 416* (Jan. 25, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁶ Email Correspondence with Cody Farrill, Department of Management Services (Jan. 28, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).