

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2446

SPONSOR: Senator Dockery

SUBJECT: Installations honoring military veterans and their families

DATE: March 24, 2004 03/30/04: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>MS</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act." The bill authorizes the Department of Transportation (FDOT) to contract with groups or organizations for the installation and maintenance of plaques, markers, monuments, memorials, or various retired military equipment honoring the military and veterans at interstate rest stops in Florida.

This bill provides for a committee, for membership and term limits. This bill requires approval by the committee for contracts, conditions for approval, and states the group or organization making the proposal will be responsible for costs and installation of the monuments. There are no known or expected fiscal impacts on state government general revenue.

This bill creates unnumbered sections of the Florida Statutes.

II. Present Situation:

A replica of the Marines' Iwo Jima Monument, removed from its place on Interstate 4 because of road construction, may soon have a new home and open the way for other monuments along Florida interstate highways.

The replica of the famed Marine Monument in Washington, D.C., was placed in an orange grove adjacent to I-4 between Auburndale and Polk City that Pipping owned in late 1989.

Pipping, of Bartow, was in the Navy at another location in the South Pacific on that March day in 1945, when Marines raised the American flag on Mount Suribachi on Iwo Jima, and he wanted to honor the event.

The monument and a large American flag that flew near it, both lighted at night, were landmarks to travelers along the interstate for more than a decade until they were removed two years ago in preparation for widening the highway.

Pipping died in 1999. The Young Marines of Polk County, an organization of students 11 to 18 years old, provided maintenance for the monument until it was removed. They and their adult sponsors have worked to get the monument relocated.

A group formed to protect Pipping's legacy had asked the FDOT about placing the monument, which would be mounted on a larger base honoring all branches of the service from World War II, in the rest area off of the westbound lanes of I-4 near Auburndale.

The concept is not new. A rest area on Interstate 85 near Lexington, N.C., houses a monument to residents of that state who died in the Vietnam War. It is maintained by the North Carolina Vietnam Veterans.

At another rest area on I-95 near the Virginia border is a Blue Star monument to those who died in World War II and Korea, said Bill Jones of the North Carolina Department of Transportation. It, too, is maintained by a private group and does not cost the state any money in maintenance.¹

Section 256.13, F.S., requires FDOT to fly the POW-MIA flag year round at each of the rest areas along interstate highways.

Section 267.074, F.S., directs the Division of Historical Resources of the Department of State to coordinate the State Historical Marker Program to inform the general public about persons, events, structures, and other topics relating to the history and culture of the state. FDOT is authorized to permit and assist the division in erecting and maintaining said historic signs or markers within the right-of-way of any state highway, county road, or municipal street, or any other property under its jurisdiction and control. The division is vested with the exclusive authority and power to erect and maintain said historic signs or markers within the right-of-way of any state highway.

Section 479.02 requires the FDOT to implement a rest area information panel or devices program at rest areas along the interstate highway system and the federal-aid primary highway system to promote tourist-oriented businesses. Section 479.28, F.S., allows FDOT to contract with private persons for the construction, erection, and maintenance of the rest area information panels or devices.

III. Effect of Proposed Changes:

Section 1 establishes the popular name of the act, the “Ellwood Robinson ‘Bob’ Pipping, Jr., Memorial Act.”

¹ Bill Rufty, *Stargel Bill Would Bring Back Iwo Jima Monument to I-4*, The Ledger, March 23, 2004, at <http://www.theledger.com/apps/pbcs.dll/article?AID=/20040323/NEWS/403230354/1134>.

Section 2 declares the purpose of the act to be the creation of an environment allowing Floridians and visitors to be reminded of the accomplishments and sacrifices made by military veterans.

Section 3 authorizes FDOT to enter contracts with any group or organization for the installation and maintenance of monuments and memorials honoring military veterans at highway rest areas. Proposals would be approved by a committee composed of:

- the Secretary of the FDOT (or designee),
- the Executive Director of the Department of Veterans Affairs (or designee),
- three members of the Florida Commission on Veterans Affairs (appointed by the chair).

Installations may be monuments, memorials, plaques, markers, or various retired military equipment. The sponsoring group is responsible for all costs of the monument, its installation, and the cost of maintenance for a period of 10 years. Maintenance costs are to be deposited into an account held by FDOT. Alternatively, the sponsoring group may post a bond equal to the cost of removal of the installation should it fail to provide sufficient maintenance funds for two consecutive years.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Voluntary sponsorship of a monument or memorial will require the sponsoring entity to provide maintenance costs of indeterminate amounts.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation: The amendment clarifies a requirement of the sponsoring organization to provide maintenance funds annually and allows for the 10-year bond securing the cost of removal to be renewed for another 10-year period.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
