

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 General Government Appropriations Committee

BILL: CS/SB 274

INTRODUCER: Military Affairs and Domestic Security Committee and Senator Dean and others

SUBJECT: POW-MIA Flag/State Parks

DATE: April 8, 2008 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>McElroy</u>	<u>MS</u>	Fav/CS
2.	<u>Kynoch/Frederick</u>	<u>DeLoach</u>	<u>GA</u>	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill requires the Department of Environmental Protection (DEP) to purchase and display the Prisoners of War - Missing in Action (POW-MIA) flag year-round at each of the state parks where the flag of the United States is displayed.

The estimated annual cost to replace worn flags is \$6,000. This can be absorbed within existing resources.

The bill creates section 256.14, Florida Statutes.

II. Present Situation:

In 1971, Mrs. Michael Hoff, an MIA wife and member of the National League of Families of American Prisoners and Missing in Southeast Asia, recognized the need for a symbol of our POW-MIAs. Prompted by a Florida Times-Union newspaper article, Mrs. Hoff contacted Norman Rivkees, Vice President of the flag manufacturer Annin & Company. Sympathetic to the POW-MIA issue, Mr. Rivkees and an Annin employee, Newton Heisley, designed a flag to

represent our missing troops. Following League approval, the flags were manufactured for distribution.

On August 10, 1990, the 101st Congress passed U.S. Public Law 101-355, which recognized the League's POW-MIA flag and designated it "as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation."¹

Section 256.12, F.S., requires that on and after September 19, 1990, each state-owned building at which the U.S. flag is displayed must also display a POW-MIA flag, if such flag is available free of charge to the agency that occupies the building and if such display is in accordance with federal laws and regulations.

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

The DEP currently displays the POW-MIA flag at each of the 122 state parks where the U.S. flag is displayed. These flags were provided to the DEP at no cost by the POW-MIA awareness group Rolling Thunder, Inc.

III. Effect of Proposed Changes:

This bill requires the DEP to purchase and display the POW-MIA flag year round at each of the state parks where the U.S. flag is displayed.

The bill provides an effective date of July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA,
<http://www.pow-miafamilies.org/flags.html>

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP estimates an annual cost of \$6,000 to replace worn POW-MIA flags. This cost can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Military Affairs and Domestic Security on January 23, 2008:**

This committee substitute clarifies that the Department of Environmental Protection is responsible for purchasing the POW-MIA flags that it will display pursuant to the act.

B. Amendments:

None.