

STORAGE NAME: h0531a.ca
DATE: April 8, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HM 531
RELATING TO: Memorial on Pow/MIA Information
SPONSOR(S): Representative Fiorentino and other
COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The memorial urges the United States Congress to provide the State of Florida with any information regarding Florida residents who are classified as POW/MIA.

No state revenues or expenditures are required by this memorial.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

A memorial is used when the legislature wishes to speak to the Federal Government.

The issue of POW/MIA's has long been a hotly debated topic. As a matter of public policy the U.S. government does not rule out the possibility that an American POW who is not found may still be alive. According to Congressional reports, original counts of missing and unaccounted U.S. Personnel in the Vietnam war amounted to over 2,400. As of December of 1998, 1,592 were still classified as missing in action.

B. EFFECT OF PROPOSED CHANGES:

This memorial urges the U.S. Congress to provide the State of Florida with any available information regarding a Florida resident classified as a U.S. POW/MIA. The memorial provides that upon notification that a Florida resident is classified as a POW/MIA, the State of Florida will attempt to ascertain information regarding the POW/MIA, and endeavor to bring about his/her safe return to the U.S.

Copies of the memorial are to be sent to the President, The President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of Florida's congressional delegation.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

This memorial does not eliminate or reduce any agency or program.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

The memorial does not require any new costs for implementation or operation.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

The memorial does not purport to give services to families or children.

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The memorial does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. STATUTE(S) AFFECTED:

None.

E. SECTION-BY-SECTION ANALYSIS:

Not applicable.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

There will be a small cost to the state to send copies of the memorial to the specific parties.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Not applicable.

2. Direct Private Sector Benefits:

Not applicable.

3. Effects on Competition, Private Enterprise and Employment Markets:

Not applicable.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The memorial does not requires counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The memorial does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The memorial does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The House Committee on Community Affairs at its meeting on April 8, 1999, adopted the following amendments:

Amendment #1 -- Provides that it is the Florida Department of Veterans' Affairs that will receive the official notification of any Florida resident who is classified as a POW/MIA.

Amendment #2 -- Provides that any information made available to the Florida Department of Veterans' Affairs will be accessible to members of the immediate family of the POW/MIA.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:
Prepared by:

Staff Director:

Aimee Diaz

Joan Highsmith-Smith