

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 801 The Beirut Memorial

**SPONSOR(S):** State Affairs Committee; Government Operations Appropriations Subcommittee and Taylor

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 876

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	11 Y, 0 N	Renner	Kiner
2) Government Operations Appropriations Subcommittee	11 Y, 0 N, As CS	White	Topp
3) State Affairs Committee	17 Y, 0 N, As CS	Moore, A.	Camechis

### SUMMARY ANALYSIS

The bill amends s. 265.111, F.S., to require the Capitol Complex memorial garden to include a monument in remembrance of the 241 members of the United States Armed Forces who lost their lives on October 23, 1983, in Beirut, Lebanon.

The bill has an indeterminate negative fiscal impact on state government. See Fiscal Comments.

The bill has an effective date of July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Beirut Attack**

In July of 1982, President Reagan authorized the deployment of U.S. Marines to join a multinational force (MNF) alongside French and Italian troops to contribute to peacekeeping efforts in Lebanon.<sup>1</sup> Lebanon was in the midst of a civil war that threatened the stability of the region and raised the specter of a wider war.<sup>2</sup> Syria and Israel were at ends supporting opposing Lebanese factions and perpetuating violence in an attempt to gain control of the country. In response, the MNF was tasked to protect Palestinian civilians from the ongoing conflict.<sup>3</sup>

On October 23, 1983, the headquarters and barracks of the 1st Battalion, 8th Marines Regiment in Beirut, Lebanon were attacked.<sup>4</sup> A truck carrying 2,000 pounds of explosives drove into the facility and exploded, causing the structure to collapse and killing 220 Marines, 18 sailors, and three soldiers of the United States Armed Forces.<sup>5</sup> In February of 1984, President Reagan ordered that the Marines withdraw from Lebanon.<sup>6</sup>

##### **Managing Agency for the Capitol Center**

Chapter 272, F.S., provides that the Capitol Center<sup>7</sup> is under the general control and supervision of the Department of Management Services (DMS),<sup>8</sup> which includes the management and maintenance of both the grounds and buildings.<sup>9</sup> Additionally, DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.<sup>10</sup> This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.<sup>11</sup> After an entity is assigned a designated space within the Capitol Center for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with DMS.<sup>12</sup>

The "Capitol Complex" is defined to include:

"that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe

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<sup>1</sup> U.S. Department of State, Office of the Historian, *The Reagan Administration and Lebanon, 1981-1984*, <https://history.state.gov/milestones/1981-1988/lebanon> (last visited March 6, 2015).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Department of Management Services HB 801 analysis. On file with Veteran & Military Affairs Subcommittee staff.

<sup>5</sup> Marines Blog: The Official Blog of the United States Marine Corps, *30<sup>th</sup> Anniversary of Beirut Bombing: Survivor Shares his Story*, available at <http://marines.dodlive.mil/2013/10/22/30th-anniversary-of-beirut-bombing-survivor-shares-his-story/> (last visited March 9, 2015).

<sup>6</sup> U.S. Department of State, Office of the Historian, *The Reagan Administration and Lebanon, 1981-1984*, <https://history.state.gov/milestones/1981-1988/lebanon> (last visited March 6, 2015).

<sup>7</sup> Section 272.12, F.S., describes the Tallahassee area bound by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

<sup>8</sup> Section 272.03, F.S.

<sup>9</sup> Section 272.09, F.S.

<sup>10</sup> Section 272.07, F.S.

<sup>11</sup> Department of Management Services, Senate Bill 608 Agency Analysis (February 19, 2014). The analysis is on file with House Veteran & Military Affairs Subcommittee staff.

<sup>12</sup> *Id.*

Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.”<sup>13</sup>

### **Capitol Complex Monuments**

DMS is required to set aside an area of the Capitol Complex to dedicate a memorial garden on which authorized monuments must be placed.<sup>14</sup> 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.”<sup>15</sup> 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 Florida Historical Commission.<sup>16</sup> Additionally, DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument’s design and placement.<sup>17</sup>

Among the statutorily authorized Capitol Complex memorials to honor military servicemembers are:

- The Florida Veterans’ Walk of Honor;<sup>18</sup>
- The Florida Veterans’ Memorial Garden;<sup>19</sup> and
- The POW-MIA Chair of Honor Memorial.<sup>20</sup>

### **Effect of Proposed Changes**

The bill amends s. 265.111, F.S., to require the Capitol Complex memorial garden to include a monument in remembrance of the 241 members of the United States Armed Forces who lost their lives on October 23, 1983, in Beirut, Lebanon.

#### **B. SECTION DIRECTORY:**

Section 1. amends s. 265.111, F.S., to include a Beirut Memorial in the Capitol Complex memorial garden.

Section 2. provides an effective date of July 1, 2015.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

The bill does not appear to have a fiscal impact on state government revenues.

##### **2. Expenditures:**

The bill has an indeterminate negative fiscal impact on state government. See Fiscal Comments.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

The bill does not appear to have a fiscal impact on local government revenues.

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<sup>13</sup> Section 281.01, F.S.

<sup>14</sup> Section 265.111(3), F.S.

<sup>15</sup> Section 265.111(1), F.S.

<sup>16</sup> Section 265.111(2), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 265.0031, F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 265.00301, F.S.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires the memorial garden in s. 265.111, F.S., to include a monument in remembrance of the U.S. Armed Forces who lost their lives on October 23, 1983, in Beirut, Lebanon. There would likely be a negative fiscal impact to DMS to establish a monument in the memorial garden. However, the negative fiscal impact is indeterminate due to the broad statutory definition of monument. There is no funding appropriated for the monument..

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for executive branch rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 7, 2015, the Government Operations Appropriations Subcommittee adopted a strike-all amendment and reported the bill favorably with a committee substitute. The committee substitute amends s. 265.0031, F.S., to include a Beirut Memorial in the Florida Veterans' Memorial Garden.

On April 14, 2015, the State Affairs Committee adopted a strike-all amendment and reported the bill favorably with a committee substitute. The committee substitute requires the Beirut Memorial to be placed in the Capitol Complex memorial garden rather than the Florida Veterans' Memorial Garden.

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