

STORAGE NAME: h1787a.sa.doc
DATE: February 21, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS**

BILL #: HB 1787
RELATING TO: The medal of heroism
SPONSOR(S): Representative(s) Bean, Needelman and others

TIED BILL(S):

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

- (1) STATE ADMINISTRATION YEAS 5 NAYS 0
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill allows the Governor to award a medal of heroism to law enforcement or corrections officers, firefighters, emergency medical technicians, or paramedics, who have distinguished themselves "conspicuously by gallantry and intrepidity and who risk their lives deliberately, above and beyond the call of duty," while performing their duty and engaging in perilous activities to preserve lives, with the knowledge of the great risk in those activities.

The candidates or persons seeking to nominate candidates for the award must make written application to the Governor. The Governor may refer applications to the Florida Department of Law Enforcement, the Department of Community Affairs, or to a private association for advice and recommendations regarding the applications.

This bill has a negligible fiscal impact upon state government, and no fiscal impact upon local governments.

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

SIMILAR AWARDS IN FLORIDA

Presently, a Medal of Valor may be given to law enforcement officers or correctional officers. Any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints law enforcement officers or correctional officers, may establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty.¹

The Medal of Valor may include, but is not limited to, a medal authorized to be worn on the officer's uniform during formal occasions and a commendation bar to be worn on the uniform during normal duty. The amount of funds that may be expended to provide a Medal of Valor shall not exceed \$250.

Upon the death of such a law enforcement officer or correctional officer, the employer may present the Medal of Valor posthumously to the officer's closest living relative.

ATTACK ON WORLD TRADE CENTER

On September 11, 2001, two hijacked passenger jets crashed into the World Trade Center in New York City, killing over three thousand people. Many of those killed were policemen, firemen, and emergency service technicians. These professionals died trying to save others, and have been honored in a variety of ways.

After "911",² the Florida Police Chiefs' Association found that there was no standardized means of recognition for public safety workers performing acts of heroism. The association set forth to craft such an proposed award, modeling their proposal after the US Medal of Honor, which is awarded to any U.S. serviceman who "distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life and beyond the call of duty" during an armed conflict.³ This bill represents the culmination of that effort and is part of the legislative agenda of the Florida Police Chiefs Association.⁴

¹ Section 112.194, F.S.

² As the attack has come to be known, named after the month (9) and the date (11).

³ 10 USCA Sec. 3741.

⁴ Information pursuant to a 2-19-02 conversation with Dave Folsom, representing the Florida Police Chiefs Association in this matter.

C. EFFECT OF PROPOSED CHANGES:

This bill allows the Governor to award a medal of heroism to law enforcement or corrections officers,⁵ firefighters,⁶ emergency medical technicians,⁷ or paramedics,⁸ who have distinguished themselves conspicuously by gallantry and intrepidity and who risk their lives deliberately, above and beyond the call of duty, while performing their duty and engaging in hazardous or perilous activities to preserve lives, with the knowledge that such activities might result in great personal harm to themselves.

The candidates or persons seeking to nominate candidates for the award must make written application to the Governor. The Governor may refer applications to the Florida Department of Law Enforcement, the Department of Community Affairs, or to a private association for advice and recommendations regarding the applications.

D. SECTION-BY-SECTION ANALYSIS:

See "Effect of Proposed Changes" section of this analysis.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Negligible. There will only be the cost of purchasing medals, and any expense involved in holding the ceremonies.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

⁵ Defined in section 943.10(14), F.S., as "any person employed or appointed as a fulltime, part-time, or auxiliary law enforcement officer, corrections officer, or correctional probation officer."

⁶ Defined in section 112.191(1)(b), F.S., as "any full-time duly employed uniformed firefighter employed by an employer, whose primary duty is the prevention and extinguishing of fires, the protection of life and property therefrom, the enforcement of municipal, county, and state fire prevention codes, as well as the enforcement of any law pertaining to the prevention and control of fires, who is certified pursuant to s. 633.35, F.S., and who is a member of a duly constituted fire department of such employer or who is a volunteer firefighter."

⁷ Defined in section 401.23, F.S., as "a person who is certified by the Department [of Health] to perform basic life support pursuant to [part III of ch. 401, F.S.]."

⁸ Defined in section 401.23, F.S., as "a person who is certified by the Department [of Health] to perform basic and advanced life support pursuant to [part III of ch. 401, F.S.]."

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

Staff Director:

Gip Arthur

J. Marleen Ahearn, Ph.D., J.D.