

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 Committee on Governmental Oversight and Accountability

BILL: SB 230

INTRODUCER: Senator Ring

SUBJECT: Flag Etiquette

DATE: March 13, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	McVaney	GO	Pre-meeting
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

SB 230 requires the Governor to adopt a protocol on flag display that provides guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens.

The bill also provides that the Governor may adopt, repeal, or modify any rule or custom as the Governor deems appropriate which pertains to the display of the state flag.

This bill creates section 256.015 of the Florida Statutes.

II. Present Situation:

The Governor’s Office has a written flag protocol.¹

National Flag Policy

According to the Governor’s protocol, by order of the President of the United States, the National flag must be flown at half-staff upon the death of specified principal figures of the United States or State Government as a mark of respect to their memory, pursuant to 4 U.S.C. Section (7)(m). The State Flag must be flown at half-staff whenever the national Flag is flown at

¹ Executive Office of the Governor Flag Protocol, Revised 9/26/2012, available at <http://www.flgov.com/wp-content/uploads/2012/09/EOG-Flag-Protocol-FINAL1.pdf>.

half-staff at the State Capitol, all state-owned buildings, and, in most cases, all courthouses and city halls throughout Florida for specified periods for the following persons:

- President or former President of the United States.
- Vice President, Chief Justice of the U.S. Supreme Court, former Chief Justice, or Speaker of the U.S. House of Representatives.
- Associate Justice of the U.S. Supreme Court, Secretary of an executive or military department, or former Vice President of the United States.
- Member of Congress from Florida.

State Flag Policy

In the event of the death of a present or former official of the Florida State government or the death of a member of the Armed Forces from Florida who dies while serving on active duty, the Governor may proclaim that the National and State Flags shall be flown at half-staff, in accordance with 4 U.S.C. Section 7. Rules for particular State Government officials and Armed Forces members are as follows:

- Present or former Governor of Florida: The National and State Flags shall be flown at half-staff from the day of death until the day of interment over the State Capitol, at State facilities throughout Florida, and at all county courthouses and city halls throughout Florida.
- Member of the Armed Forces from Florida who dies while serving on active duty: The National and State Flags shall be flown at half-staff on the day of interment (or day of family's preference) over the State Capitol and at the county courthouse and city hall in decedent's (or the family's) hometown.
- Prominent present or former State of Florida officials: The National and State Flags shall be flown at half-staff on the day of interment over the State Capitol and at the county courthouse and city hall in the decedent's hometown.
- Florida law enforcement officers and firefighters killed in the line of duty, and selected other State and local officials: The National and State Flags shall be flown at half-staff on the day of interment at the local agency where the decedent was employed and at the county courthouse and city hall in decedent's hometown.

The Governor's Flag Information website² contains a form³ for requesting the state flag to be flown at half-staff in honor of law enforcement, firefighter, or elected officials. The form states that "[t]he flag will be lowered for law enforcement and firefighters only if they have passed while in the line of duty." Included in the Governor's protocol is a document entitled "Frequently Asked Questions." Information provided in response to one of the questions indicates that a constituent may request flags be flown at-half-staff for any reason not addressed in the protocol. The Governor has the discretion whether to grant or deny the request.

² <http://www.flgov.com/flag-information/>

³ <http://www.flgov.com/wp-content/uploads/2012/07/Flag-at-Half-Staff-Request-Form-for-web.pdf>

Statutes/Flag Display

While there are currently a number of statutes requiring display of the National flag, the State flag, and the POW-MIA flag,⁴ there do not appear to be any statutes requiring that a flag be flown at half-staff for particular persons or in particular circumstances.

There does not appear to be any statute specific to flag display involving a law enforcement officer who dies in the line of duty. However, s. 256.15, F.S., provides that the official state Firefighter Memorial Flag to honor firefighters who have died in the line of duty may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and at any other location designated by the State Fire Marshal.

III. Effect of Proposed Changes:

The bill requires the Governor to adopt a protocol on flag display that provides guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens.

The bill also provides that the Governor may adopt, repeal, or modify any rule or custom as the Governor deems appropriate which pertains to the display of the state flag.

The effective date of the act is July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁴ See ss. 256.01, 256.02, 256.011, 256.032, 256.11, 256.12, 256.13, 256.14, 256.15, and 1000.06, F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill should not have any impact on the Governor's office since the Governor currently has a protocol on the display of the state flag.

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.)

None.

B. Amendments:

None.