

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1147 Honor and Remember Flag

**SPONSOR(S):** Government Operations Subcommittee; Burgess, Jr. and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1410

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N, As CS	Moore	Williamson
2) Government Operations Appropriations Subcommittee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

Current law regulates the display of certain flags at specified locations in the state. The United States flag, the Florida state flag, and the POW-MIA flag must be displayed at certain venues on specified days. In addition, the Firefighter Memorial Flag may be displayed at certain locations and events.

The bill designates the Honor and Remember Flag as an emblem of the state to honor the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in the line of duty. The bill authorizes the flag to be displayed at specified state-owned locations on certain days.

The bill also authorizes local governments to display the flag and authorizes each department, agency, or local government displaying the flag to establish regulations related to display of the flag. The bill allows the Department of Management Services to procure and distribute the flags.

The fiscal impact to state and local governments is unknown because the provisions of the bill are permissive.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Display of United States and Florida State Flags

Current law requires the United States and Florida state flags to be displayed in certain venues. The United States flag must be displayed daily, when the weather permits, at the state capitol, at every county courthouse,<sup>1</sup> at every publicly supported and controlled auditorium,<sup>2</sup> and on the grounds and in the classrooms of public K-20 educational institutions.<sup>3</sup> The U.S. flag also must be displayed at each polling station on election days.<sup>4</sup>

The state flag must be displayed daily, when the weather permits, on the grounds of every public K-20 educational institution in the state, except when the institution or school is closed for vacation.<sup>5</sup> The Governor is required to adopt a protocol on state flag display.<sup>6</sup> The protocol must provide guidelines for the proper display of the flag and for the lowering of the 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.<sup>7</sup>

##### POW-MIA Flag

A POW-MIA flag must be displayed at each state-owned building at which the U.S. flag is displayed if the POW-MIA 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.<sup>8</sup> The Department of Transportation also must display the flag year round at each rest area along an interstate highway in the state.<sup>9</sup> In addition, the Department of Environmental Protection must display the POW-MIA flag year round at each state park where the U.S. flag is displayed.<sup>10</sup>

##### Firefighter Memorial Flag

The Division of State Fire Marshal of the Department of Financial Services is directed by law to design, produce, and implement the creation and distribution of an official state Firefighter Memorial Flag to honor firefighters who have died in the line of duty.<sup>11</sup> The flag 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.<sup>12</sup>

##### Honor and Remember Flag

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<sup>1</sup> Section 256.01, F.S.

<sup>2</sup> Section 256.11, F.S.

<sup>3</sup> Section 1000.06(1), F.S.

<sup>4</sup> Section 256.011(1), F.S.

<sup>5</sup> Sections 256.032 and 1000.06(1), F.S.

<sup>6</sup> Section 256.015(1), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 256.12, F.S.

<sup>9</sup> Section 256.13, F.S.

<sup>10</sup> Section 256.14, F.S.

<sup>11</sup> Section 256.15, F.S.

<sup>12</sup> Section 256.15(1), F.S.

The Honor and Remember Flag was created by the 501(c)3 charitable organization Honor and Remember, Inc., to serve as a visible reminder to all Americans of the U.S. military lives that have been lost in the defense and service of our national freedoms.<sup>13</sup> The mission of the organization is to establish the Honor and Remember Flag as a nationally recognized flag.<sup>14</sup>

The Honor and Remember Flag has been endorsed by various organizations, including American Gold Star Mothers, Gold Star Wives of America, Blue Star Mothers of America, Vietnam Veterans of America, the Fleet Reserve Association, the Military Officers Association of America, the Air Force Security Forces Association, the Naval Reserve Association, and the Associations of the U.S. Army, Navy, and Air Force.<sup>15</sup>

The Honor and Remember Flag has been adopted as an official state symbol by 20 states: Delaware, Louisiana, North Carolina, Maryland, Oklahoma, Oregon, Pennsylvania, Utah, Virginia, Kansas, Arizona, Missouri, South Carolina, New Jersey, Indiana, Texas, Wisconsin, South Dakota, Tennessee, and West Virginia.<sup>16</sup> Sixteen additional states, including Florida, have introduced legislation to adopt the flag as an official state symbol.<sup>17</sup> The Honor and Remember flags range in price from \$50 for a screen-printed flag to \$300 for a personalized hand-stitched flag and may be purchased from Honor and Remember, Inc.<sup>18</sup>

### **Effect of Proposed Changes**

The bill designates the Honor and Remember Flag (flag) as the state's emblem of the service and sacrifice of the brave men and women of the U.S. Armed Forces who have given their lives in the line of duty.

The bill authorizes the flag to be displayed at the following locations:

- Each state-owned building at which the U.S. flag is displayed;
- All state-owned military memorials; and
- Any other state-owned location deemed appropriate.

The bill authorizes the flag to be displayed on the following days:

- Armed Forces Day, the third Saturday in May;
- Memorial Day, the last Monday in May;
- Flag Day, June 14;
- Independence Day, July 4;
- National POW-MIA Recognition Day, the third Friday in September;
- Veterans' Day, November 11;
- Gold Star Mother's Day, the last Sunday in September; and
- A day on which a member of the U.S. Armed Forces who is a resident of the state loses his or her life in the line of duty.

In addition, a local government may display the flag at any local government building at which the U.S. flag is displayed and at any other local government location it deems appropriate.

The bill specifies that no more than two additional flags may be displayed on a flagpole with the Honor and Remember Flag. In addition, flags displayed pursuant to the bill must be manufactured in the U.S.

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<sup>13</sup> Honor and Remember, *Our Mission*, <http://www.honorandremember.org/our-mission> (last visited March 20, 2015).

<sup>14</sup> *Id.*

<sup>15</sup> Honor and Remember, *Official Endorsements*, <http://www.honorandremember.org/category/supporters/official-endorsements> (last visited March 20, 2015).

<sup>16</sup> Honor and Remember, *Progress Map*, <http://www.honorandremember.org/progress-map> (last visited March 20, 2015).

<sup>17</sup> Honor and Remember, <http://www.honorandremember.org> (last visited March 20, 2015).

<sup>18</sup> Honor and Remember, *Featured Products*, <https://honorandremember.3dcartstores.com> (last visited March 20, 2015).

The bill authorizes each department, agency, local government, or other establishment responsible for one of the authorized locations to prescribe regulations as necessary to carry out these provisions by July 1, 2016. The regulations may not require an employee to report to work solely to display the flag.

The bill also authorizes the Department of Management Services to begin procurement and distribution of the flag as necessary by July 31, 2016.

**B. SECTION DIRECTORY:**

Section 1. creates s. 256.16, F.S., relating to the Honor and Remember Flag.

Section 2. provides an effective date of January 1, 2016.

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

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

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS section.

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

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS section.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

See FISCAL COMMENTS section.

**D. FISCAL COMMENTS:**

The fiscal impacts to the state and local governments are unknown because the bill language is permissive, and it will depend on how many flags are purchased and at what price.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. 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 authorizes each department, agency, local government, or other establishment responsible for one of the authorized locations to prescribe regulations as necessary to carry out the provisions of the bill by July 1, 2016.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 24, 2015, the Government Operations Subcommittee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Remove the provision specifying that the Honor and Remember Flag was created by Honor and Remember, Inc.
- Allow the Honor and Remember Flag to be displayed on a day on which a member of the U.S. Armed Forces who is a resident of Florida loses his or her life in the line of duty.
- Limit the number of additional flags that may be displayed on the same flagpole as the Honor and Remember Flag to two.
- Require flags displayed pursuant to the bill to be manufactured in the U.S.

This analysis is drafted to the committee substitute as passed by the Government Operations Subcommittee.