

**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.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SB 1166

INTRODUCER: Senator Lee and others

SUBJECT: Honor and Remember Flag

DATE: March 31, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<b>Favorable</b>
2.	<u>Peacock</u>	<u>Ferrin</u>	<u>GO</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1166 designates the Honor and Remember Flag as the state’s emblem of the service and sacrifice of the brave men and women of the U.S. Armed Forces who gave 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.

The bill takes effect January 1, 2018.

**II. Present Situation:**

**Display of Flags**

*Flag of the United States*

Current law requires the flag of the United States to be displayed daily when the weather permits, from a staff upon the state capitol and upon each county courthouse.<sup>1</sup> Additionally, the U.S. flag must be flown on election day at each polling place,<sup>2</sup> at each publicly supported and controlled auditorium,<sup>3</sup> the grounds of every public K-20 educational institution, and within each classroom of a public K-20 educational institution.<sup>4</sup> Further guidance on the protocol and display of the U.S. flag is provided by the Florida Department of State.<sup>5</sup>

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

<sup>2</sup> Section 256.011, F.S.

<sup>3</sup> Section 256.11, F.S.

<sup>4</sup> Section 1000.06, F.S.

<sup>5</sup> See Florida Department of State, *Flag Protocols and Display, The United States Flag*, available at <http://dos.myflorida.com/about-the-department/flag-and-seal-protocol/flag-protocols-and-display/> (last visited March 20, 2017).

### ***State Flag of Florida***

Section 256.015, F.S., directs the Governor to adopt a protocol on flag display. The protocol must provide 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.<sup>6</sup> The state flag must be displayed on the grounds of every public K-20 educational institution.<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 must display the flag year round at each rest area along an interstate highway in the state.<sup>9</sup> Additionally, 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 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***

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 military veteran related organizations.<sup>15</sup> Additionally, 21 states have adopted the Honor and Remember Flag as an

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<sup>6</sup> Section 256.015(1), F.S. See also Executive Office of the Governor, *Flag Protocol* (Sept. 26, 2012), available at <http://www.flgov.com/wp-content/uploads/2012/09/EOG-Flag-Protocol-FINAL1.pdf> (last visited March 20, 2017).

<sup>7</sup> Sections 256.032 and 1000.06(1), F.S.

<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.

<sup>13</sup> Honor and Remember, *Our Mission*, available at <http://www.honorandremember.org/our-mission/> (last visited March 20, 2017).

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

<sup>15</sup> Honor and Remember, *Supporters, Official Endorsements*, available at <http://www.honorandremember.org/category/supporters/official-endorsements/> (last visited March 20, 2017).

official state symbol of remembrance.<sup>16</sup> Twenty-two additional states, including Florida, have introduced legislation to adopt the flag as an official state symbol.<sup>17</sup>

All sales of Honor and Remember Flag merchandise, to include the flag itself, and donations are applied to fulfilling the goals of the organization: encouraging congressional and state adoptions, national awareness and in particular, presenting families of the fallen with personalized flags.<sup>18</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 256.16, F.S., and 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 gave their lives in the line of duty.

The bill authorizes the flag to be displayed at 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 also 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.

The flag may be displayed in a manner designed to ensure visibility to the public with no more than two additional flags when displayed together on a flagpole. Additionally, a flag displayed pursuant to these provisions of the bill must be manufactured in the U.S.

A local government may choose to 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, on the days specified above, in a manner designed to ensure visibility to the public, and with no more than two additional flags when displayed together on a flagpole.

**Section 2** provides an effective date of January 1, 2018.

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<sup>16</sup> Honor and Remember, *Legislation, Progress Map*, available at <http://www.honorandremember.org/progress-map/> (last visited March 20, 2017).

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

<sup>18</sup> Honor and Remember, *FAQ, Where do the donations go?*, available at <http://www.honorandremember.org/faq/> (last visited March 21, 2017).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The fiscal impact is indeterminate because the provisions of the bill are permissive.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 215.16 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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