

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1364

SPONSOR: Governmental Oversight and Productivity Committee and Senator Fasano

SUBJECT: Military Awards and Decorations

DATE: February 18, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Krasovsky</u>	<u>MS</u>	<u>Favorable</u>
2.	<u>White</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes the Governor to present a Medal of Merit to state residents, including active duty military personnel and honorably discharged veterans, who have rendered exceptional meritorious service to the citizens of Florida. The bill defines “exceptional meritorious service” as acts of bravery above and beyond the level of duty normally required by that person’s respective military or civilian position. This medal would augment existing Florida-issued decorations for public safety officers and Florida National Guard members.

The bill also authorizes the Adjutant General to issue military decorations and awards pursuant to military regulations and instructions.

The bill amends section 250.10 of the Florida Statutes. The bill creates unnumbered sections of the Florida Statutes.

II. Present Situation:

Section 14.33, F.S., authorizes the Governor to award a Medal of Heroism to: (a) a law enforcement, correctional, or correctional probation officer; (b) a firefighter; (c) an emergency medical technician; or (d) a paramedic. In order to be eligible for the award, a person must have distinguished himself or herself conspicuously by gallantry and intrepidity; must have risked his or her life deliberately above and beyond the call of duty while performing duty in his or her respective position; and must have engaged in hazardous or perilous activities to preserve lives with the knowledge that such activities might result in great personal harm. Nominations for the medal must be made by written application to the Governor. The Governor may refer an application to any public or private entity for advice and recommendations regarding the application.

Section 112.194, F.S., permits a Medal of Valor to be awarded to a law enforcement officer or correctional officer defined in s. 943.10(14), F.S.¹ by any of the following entities that appoint such officers: (a) state boards, commissions, departments, divisions, bureaus, and agencies; (b) counties; or (c) municipalities. The medal may be awarded when the officer's actions have been extraordinary and have exposed the officer to peril beyond the call of duty. This award may cost up to \$250 and 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. If the officer has died, the employer may present the medal posthumously to the officer's closest living relative.

The Florida National Guard (FNG) issues a variety of military decorations and medals to qualifying individuals. In addition to various military decorations that are issued pursuant to federal regulations and instructions, the FNG also issues a number of Florida State Decorations. For example, the *Florida Cross* is issued to officers and enlisted personnel of the Florida National Guard who distinguish themselves conspicuously by extraordinary heroism at the risk of his or her life or by exceptionally outstanding meritorious military service to the State or Federal Government. It can also be awarded to civilian and other military citizens of Florida for acts of extraordinary heroism. Florida military decorations and medals are issued through the state's Adjutant General.

Section 250.10, F.S., establishes the duties and responsibilities of Florida's Adjutant General. Currently, this section does not specifically authorize the Adjutant General to issue military awards and decorations.

III. Effect of Proposed Changes:

This bill creates a new section of law authorizing the Governor to present, in the name of the State of Florida, a Medal of Merit to: (a) any legal resident² of this state who has rendered exceptional meritorious service to the citizens of this state; (b) any legal resident of this state who is serving on active duty with the U.S. Armed Forces, the Florida National Guard, or the U.S. Reserve Forces, and has rendered exceptional meritorious service to the citizens of this state; or (c) any legal resident of this state who has been honorably discharged from military service and, while on active duty, rendered exceptional meritorious service to the citizens of this state.

The bill provides that "exceptional meritorious service" means acts of bravery above and beyond the level of duty normally required by that person's respective military or civilian position. In the event of the death of an individual selected to receive the Governor's Medal of Merit, the medal may be presented to a designated representative of the recipient. The medal may be presented to an individual one time only. The bill authorizes the Executive Office of the

¹ Section. 943.10(14), F.S., defines "officer" as "any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer."

² The term "legal resident" has been defined in case law to mean, "One who lives at a place (in Florida) with no present intention of removing therefrom." *Fowler v. Fowler*, 22 So.2d 817, 818 (1945). The term does not require United State citizenship.

Governor, in consultation with the Adjutant General and other appropriate entities, to adopt rules to implement the section.

The bill also amends s. 250.10, F.S., to authorize the Adjutant General to issue military decorations and awards pursuant to military regulations and instructions.³

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill authorizes the issuance of a Governor's Medal of Merit which shall bear a suitable inscription and ribbon of appropriate design. The bill does not specify a maximum amount the medal may cost, but it is likely that the fiscal impact of such costs would be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

³ Section 251.02, F.S., authorizes the Adjutant General to prescribe military regulations for the Florida State Defense Force. Additionally, there are federal military regulations and instructions regarding decorations and awards.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
