

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 171 Firefighters  
**SPONSOR(S):** Insurance, Business & Financial Affairs Policy Committee, Heller and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 198

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Insurance, Business & Financial Affairs Policy Committee	19 Y, 0 N, As CS	Snider	Cooper
2)	General Government Policy Council	14 Y, 0 N	Snider	Hamby
3)	Government Operations Appropriations Committee	7 Y, 0 N	Fox	Topp
4)	Full Appropriations Council on General Government & Health Care	29 Y, 0 N	Fox	Leznoff
5)				

### SUMMARY ANALYSIS

This bill directs the Division of State Fire Marshal to design, produce and implement the creation of a Fire Fighters Memorial Flag, with the specifics and design parameters in the bill, to be flown at places appropriate throughout the state to honor fallen firefighters. The Division of State Fire Marshal is a division of the Department of Financial Services and oversees the firefighting regulations in the state.

The bill has an effective date of July 1, 2009.

The Department of Financial Services estimates that this bill will require a yearly expenditure of no more than \$1,200. However, there will not be any cost to the department unless a fire fighter dies in the line of duty. This cost if needed, can be absorbed within the agency's existing budget.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

This bill instructs the Division of State Fire Marshal to design, produce, and implement the creation and distribution of an official state Firefighter Memorial Flag to honor fallen firefighters. From 2000-2007, twenty-eight Florida firefighters died in the line of duty.<sup>1</sup>

At present, the Division of State Fire Marshal, as the lead agency for Florida's fire service, does not have access to a memorial flag designed to honor Florida's fallen firefighters. The Division of State Fire Marshal is a division of the Department of Financial Services, and the Florida Chief Financial Officer serves as the State Fire Marshal.

Pursuant to the bill, the flag is authorized to be flown at the memorial service or funeral of firefighters who have died in the line of duty, at firefighter memorials, fire stations, the Fallen Firefighter Memorial at the Florida State Fire College in Ocala, by the families of fallen firefighters, or at any other location designed by the State Fire Marshal. The Florida State Fire College is the training arm of the Bureau of Fire Standards and Training.

This bill specifies the flag design as follows: a blue background, with a black horizontal stripe across the middle of the flag and a horizontal purple stripe above and below the black stripe. It shall also contain a red Maltese Cross or Cross of St. Florian in the center of the flag surrounding the Great Seal of the State of Florida, and the phrase "Florida Fallen Firefighters" in gold capital letters at the top of the flag, and the phrase "Memorial Flag" at the bottom of the flag. Each arm of the cross shall contain one of the words "Courage," "Honor," "Sacrifice," and "Valor." St. Florian is the patron saint of firefighters and the Cross of St. Florian is often incorporated into firefighting emblems.

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<sup>1</sup> Fallen Firefighter Wall of Honor, Florida State Capitol.

**B. SECTION DIRECTORY:**

Section 1 requires the Department of Financial Services to design, produce, and implement the creation and distribution of the Firefighter Memorial Flag, specifies the locations at which the flag may be displayed, and specifies the design of the flag.

Section 2 provides an effective date of July 1, 2009.

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

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

**1. Revenues:**

According to the Department of Financial Services, the flag would be marketed mainly by the private sector and therefore revenue neutral to the Department. However, a small amount of revenue may be generated if the flag were made available through the Florida State Fire College.<sup>2</sup>

**2. Expenditures:**

The implementation cost of this bill beyond the initial cost of rulemaking should not exceed \$1,200 per year. There will be no cost to the Department unless a fire fighter dies in the line of duty. The Department indicates that they would only provide flags at no cost to the immediate family of a fallen fire fighter, and that any other person desiring to possess the flag must purchase the flag at their own expense.<sup>3</sup>

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

**1. Revenues:**

There is no apparent impact on local government revenues.

**2. Expenditures:**

While many local governments may purchase and display the flag at their fire stations, there is no requirement to do so.

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

There is no cost to the private sector to comply with any requirements of this bill. Any efforts by the private sector to acquire and display a flag would be voluntary.

**D. FISCAL COMMENTS:**

The maximum annual cost to the state of \$1,200 can be absorbed within the agency's existing budget.

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<sup>2</sup> Bill Analysis and Financial Impact Statement. Department of Financial Services, Jan. 27, 2009. On file with the Insurance, Business & Financial Affairs Policy Committee and Government Operations Appropriations Committee.

<sup>3</sup> Id.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

The bill does not appear to require local governments to make any expenditure.

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

The bill grants rulemaking authority to the Department of Financial Services to authorize additional locations where the flag may be flown.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On February 3, 2009, the Insurance, Business & Financial Affairs Policy Committee made two amendments to the bill. The first amendment granted rulemaking authority to the Department of Financial Services to designate additional locations where the flag may be displayed. The second amendment was a technical amendment to correct the spelling of "St. Florian."