

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 Banking and Insurance Committee

BILL: CS/SB 198

INTRODUCER: Banking and Insurance Committee and Senator Justice and others

SUBJECT: Firefighter Memorial Flag

DATE: February 23, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Messer	Burgess	BI	Fav/CS
2.			CA	
3.			GA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill mandates the Division of State Fire Marshal within the Department of Financial Services to design, create and distribute an official state firefighter memorial flag. The bill grants the Department of Financial Services authority to adopt rules relating to the production and distribution of the flag. The flag will honor firefighters who have died in the line of duty and it may be displayed at fire stations, firefighter memorials, funeral services, and otherwise as the State Fire Marshal deems proper. The bill mandates a specific design for the flag which includes the Great Seal of the State of Florida and the phrase "Florida Fallen Firefighters" over a blue background.

There is already in existence a national firefighter memorial flag; however, the flag provided for in this bill will be exclusive to Florida.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:

The State Fire Marshal, a division of the Department of Financial Services (DFS), is the lead agency for Florida's fire service and is charged with the duty of certifying firefighters, assisting with fire related forensic and investigation activities, and other aspects of protecting Florida from fire related perils.

Between 2000 and 2005, twenty-one Florida firefighters were killed in the line of duty.¹ Memorial services for fallen firefighters are rich with tradition and they include a ceremonial placement of an American Flag over the coffin of the fallen firefighter. Presently there is not a unique and separate memorial flag for fallen firefighters that has been state sponsored in Florida. However, there presently exists a National Fallen Firefighter Memorial Flag that is used in several states in a similar manner as the flag that is described in this bill. The National Fallen Firefighters Foundation in Emmitsburg, Maryland currently offers these National Fallen Firefighter Memorial Flags. The flags can be purchased on their website for about \$75 each.²

Senate professional staff's research has revealed only one other state, Pennsylvania, to have a state specific fallen firefighter flag. The Pennsylvania flag is used in funeral proceedings and it is flown below an American Flag at half mast after a firefighter has died in the line of duty.³

III. Effect of Proposed Changes:

Section 1 requires the Division of the State Fire Marshal within 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. This section provides that the flag may be displayed at fire stations, firefighter memorials, funeral services, and otherwise as the State Fire Marshal deems proper. Additionally, the Department of Financial Services is granted the authority to adopt rules relating to the production and distribution of the flag.

Section 2 provides that the effective date of the bill shall be July 1, 2009.

Representatives from the Division of the State Fire Marshal have indicated to Senate professional staff that the creation of a firefighter memorial flag is not intended to replace the American Flag in any situation in which firefighter protocol already uses the American Flag. Rather, the Firefighter Memorial Flag would serve as an additional flag to be used in conjunction with existing ceremonial procedures, analogous to the way in which P.O.W./M.I.A. flags are used in the military context.

¹ Florida Department of Financial Services Division of State Fire Marshal website: http://www.fldfs.com/SFM/FFFWallMemorial_ChronList.htm

² National Fallen Firefighters Foundation Website: <http://www.firehero.org/index3.aspx?categoryid=57> (last visited on Feb. 13, 2009)

³ Pennsylvania Line of Duty Death Protocol: http://www.osfc.state.pa.us/osfc/lib/osfc/PA_LODD_Funeral_Protocol.pdf (last visited on Feb. 13, 2009).

The State Fire Marshal has also indicated that their intent is only for families of fallen firefighters to receive the flags at the expense of the state; however, the bill does not expressly limit the use or distribution of the flags to this scenario.

Although many fire stations may choose to purchase the flag, there is no statutory requirement to do so. Any efforts by the private sector to acquire and display a flag would be voluntary.

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.

B. Private Sector Impact:

The flags may be available for the private sector to purchase through private vendors.

C. Government Sector Impact:

The Department of Financial Services (DFS) estimates that the fiscal impact of this bill will be \$1,200.⁴ However, DFS officials have stated that this cost will be absorbed within DFS's existing budget.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴ Department of Financial Services Bill Analysis and Fiscal Impact Statement, January 27, 2009, on file with the Senate Banking and Insurance Committee.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Banking and Insurance on February 19, 2009:

- This Committee Substitute gives the Department of Financial Services authority to adopt rules concerning the production and distribution of the Firefighter Memorial Flag.

B. Amendments:

None.

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