

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 427 Honor and Remember Flag
SPONSOR(S): Local, Federal & Veterans Affairs Subcommittee, Gregory and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	14 Y, 0 N, As CS	Rivera	Miller
2) Government Operations & Technology Appropriations Subcommittee	8 Y, 0 N	Keith	Topp
3) State Affairs Committee			

SUMMARY ANALYSIS

Current law regulates the display of four flags at specified locations in the state. The display of the United States flag, the Florida state flag, and the POW-MIA flag is required 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 (flag) as an emblem of the state to honor the service and sacrifice of the members 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, including a day on which a resident Armed Forces member loses his or her life in the line of duty. The bill also authorizes local governments to display the flag.

The bill permits, but does not compel local governments to display the flag and also provides that a department, agency, or local government displaying the flag may adopt regulations related to its display. The bill allows the Department of Management Services to procure and distribute the flags but requires the flags be manufactured in the United States.

The fiscal impact to state and local governments is indeterminate, but likely insignificant. The bill provides that the purchase and display of the flag is permissive. It is anticipated that any purchase of flags will be done within existing resources.

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,¹ at every publicly supported and controlled auditorium,² and on the grounds and in the classrooms of public K-20 educational institutions.³ The U.S. flag also must be displayed at each polling station on election days.⁴

The Governor is required to adopt a protocol on state flag display.⁵ 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.⁶ The Governor may adopt, repeal, or modify any rule or custom pertaining to the display of the state flag as the Governor deems appropriate.⁷

As of January 1, 2016, U.S. and state flags purchased by the state, a county, or a municipality for public use must be made in the United States from articles, materials, or supplies grown, produced, and manufactured in the United States.⁸

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.⁹ The Department of Transportation also must display the flag year round at each rest area along an interstate highway in the state.¹⁰ In addition, the Department of Environmental Protection must purchase and display the POW-MIA flag year round at each state park where the U.S. flag is displayed.¹¹

Firefighter Memorial Flag

The Division of State Fire Marshal in 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.¹² 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

¹ S. 256.01, F.S.

² S. 256.11, F.S.

³ S. 1000.06(1), F.S. The state flag is not required to be displayed when the institution or school is closed for vacation. Ss. 256.032 and 1000.06(1), F.S.

⁴ S. 256.011(1), F.S.

⁵ S. 256.015(1), F.S.

⁶ *Id.*

⁷ S. 256.015(2), F.S.

⁸ S. 256.041, F.S.

⁹ S. 256.12, F.S.

¹⁰ S. 256.13, F.S.

¹¹ S. 256.14, F.S.

¹² S. 256.15, F.S.

firefighters, and at any other location designated by the State Fire Marshal.¹³ The Department of Financial Services may adopt rules relating to the production and distribution of the flag.¹⁴

Honor and Remember Flag

The Honor and Remember Flag was created by the charitable organization Honor and Remember, Inc.,¹⁵ 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.¹⁶ The mission of the organization is to establish the Honor and Remember Flag as a nationally recognized flag.¹⁷

Currently, the Honor and Remember Flag has been adopted as an official state symbol by 24 states: Delaware, Louisiana, North Carolina, Maryland, Oklahoma, Oregon, Pennsylvania, Utah, Virginia, Kansas, Arizona, Missouri, South Carolina, New Jersey, Indiana, Texas, Wisconsin, South Dakota, Tennessee, West Virginia, Minnesota, Wyoming, Nebraska, and Vermont.¹⁸

Official endorsements listed by Honor and Remember, Inc., include 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 Sergeants Association, and the Association of the U.S. Army.¹⁹ Honor and Remember flags may be purchased from Honor and Remember, Inc., and range in price from \$45 for a screen-printed flag on sale to \$395 for a personalized flag presentation sponsorship.²⁰

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, in a manner designed to ensure visibility to the public, at any state-owned building at which the U.S. flag is displayed, any state-owned military memorials, and any other state-owned location.

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.

¹³ S. 256.15(1), F.S.

¹⁴ S. 256.15(3), F.S.

¹⁵ Honor and Remember, *Donation*, available at <http://www.honorandremember.org/donation/> (last visited February 26, 2019).

¹⁶ Honor and Remember, *Our Mission*, available at <http://www.honorandremember.org/our-mission/> (last visited February 26, 2019).

¹⁷ *Id.*

¹⁸ Honor and Remember, *Home*, available at <https://www.honorandremember.org/> (last visited February 26, 2019).

¹⁹ Honor and Remember, *Official Endorsements*, available at <https://www.honorandremember.org/category/supporters/official-endorsements/> (last visited February 26, 2019).

²⁰ Honor and Remember, *Online Marketplace*, available at https://honorandremember.info/HONOR-AND-REMEMBER_c_47.html (last visited February 26, 2019).

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

Additionally, the bill authorizes a department or an agency responsible for a location, or a local government, displaying the flag to adopt regulations as necessary by July 1, 2020, to carry out the provisions of the bill. The regulations may not require an employee to report to work solely to display the flag.

By July 31, 2020, the Department of Management Services is authorized to begin procurement and distribution of the flag as necessary.

B. SECTION DIRECTORY:

Section 1. Creates s. 256.16, F.S., designating the Honor and Remember Flag as state emblem and authorizing use and purchase at specified locations by state and local governments.

Section 2. Provides an effective date of January 1, 2020.

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 impact to state government²¹, local government, and the private sector are indeterminate because the bill language is permissive. However, it is anticipated that any purchase of flags will be done within existing resources.

²¹ Email correspondence from the Department of Management Services on file with the Government Operations and Technology Appropriations Subcommittee. (Feb. 27, 2019).

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, 2020.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 13, 2019, the Local, Federal & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment modifies the effective and implementing dates to begin in the year 2020.

This analysis is drafted to the committee substitute as approved by the Local, Federal & Veterans Affairs Subcommittee.