

# 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: SB 1036

SPONSOR: Senator Sanderson

SUBJECT: Bill of Rights Day

DATE: March 8, 2001      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Wilson	GO	Favorable
2.			RC	
3.				
4.				
5.				
6.				

## I. Summary:

The bill designates December 15<sup>th</sup> as “Bill of Rights Day,” to commemorate the passage of the Bills of Rights on December 15, 1791. The bill specifies that the Governor may issue a proclamation on each December 15<sup>th</sup> that calls upon citizens of the state to observe the occasion.

This bill creates s. 683.25 of the Florida Statutes.

## II. Present Situation:

On September 17, 1787, the U.S. Constitution was signed by delegates from 12 of the 13 states, and sent to Congress.<sup>1</sup> During the congressional debates which followed, opponents with memories of the despotic British monarchy still fresh argued that the Constitution, as drafted, could permit a tyrannical government, and demanded a "bill of rights" which would guarantee that the government would not trample upon newly won freedoms of speech, press and religion, and the right to be free from warrantless searches and seizures. Thomas Jefferson stated, "A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse, or rest on inference."

Ultimately, 12 amendments to the Constitution were proposed to the state legislatures. The first two amendments, which concerned the number of constituents for each Representative and the compensation of Congressmen, were not ratified. Articles three to 12, however, were ratified on December 15, 1791 by three-fourths of the state legislatures, and now constitute the first 10 amendments of the Constitution, known as the Bill of Rights.

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<sup>1</sup>See “U.S. Bill of Rights”, National Archives and Records Administration, 1998.

The amendments are:

- Amendment one provides for the freedoms of religion, speech, and press, and the rights to assemble and petition the government.
- Amendment two provides for a well-regulated militia.
- Amendment three provides that during a time of peace, no soldier shall be housed without consent of the owner.
- Amendment four provides that the people shall not be subject to unreasonable search and seizure.
- Amendment five provides that no person shall be deprived of life, liberty, or property, without due process of law.
- Amendment six provides for a speedy and public trial, and the assistance of counsel.
- Amendment seven provides for a trial by jury.
- Amendment eight provides that persons shall not be subject to excessive bail, fines, and cruel and unusual punishments.
- Amendment nine provides that the rights enumerated in the Constitution cannot be construed to deny or disparage other rights retained by the people.
- Amendment ten provides that the powers not granted to the federal government are reserved for the state or the people.

During the 2000 Session, both the Florida House of Representatives and Senate adopted resolutions that designated December 15, 2000, as “Bill of Rights Day.” The resolutions were effective only for the year 2000.<sup>2</sup>

Chapter 683, F.S., relates to legal holidays and special observances. Section 683.01, F.S., designates 21 legal holidays<sup>3</sup>, while other provisions in ss. 683.04-683.24, F.S., designate special observances<sup>4</sup> or explain the significance of certain legal holidays.<sup>5</sup> Additionally, legal holidays

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<sup>2</sup>See HR 9011 (adopted April 12, 2000) and SR 1968 (adopted April 27, 2000).

<sup>3</sup>The legal holidays named in s. 683.01, F.S., are: (a) Sunday, the first day of each week; (b) New Year’s Day, January 1; (c) Birthday of Martin Luther King, January 15; (d) Birthday of Robert E. Lee, January 19; (e) Lincoln’s Birthday, February 12; (f) Susan B. Anthony’s Birthday, February 15; (g) Washington’s birthday, the third Monday in February; (h) Good Friday; (i) Pascua Florida Day, April 2; (j) Confederate Memorial Day, April 26; (k) Memorial Day, the last Monday in May; (l) Birthday of Jefferson Davis, June 3; (m) Flag Day, June 14; (n) Independence Day, July 4; (o) Labor Day, the first Monday in September; (p) Columbus Day and Farmers’ Day, the second Monday in October; (q) Veterans’ Day, November 11; (r) General Election Day; (s) Thanksgiving Day, the fourth Thursday in November; (t) Christmas Day, December 25; and (u) Shrove Tuesday.

<sup>4</sup>See Section 683.04, F.S. (Arbor Day), Section 683.05, F.S. (Pan-American Day), Section 683.10, F.S. (Grandmother’s Day), Section 683.11, F.S. (Law Enforcement Appreciation Month), Section 683.115, F.S. (Law Enforcement Memorial Day), Section 683.13, F.S. (National Day of Mourning), Section 683.14, F.S. (Patriots’ Day), Section 683.145, F.S. (I Am An American Day), Section 683.15, F.S. (Teacher’s Day), Section 683.16, F.S. (Retired Teachers’ Day), Section 683.17, F.S. (Children’s Day), Section 683.18, F.S. (Save the Florida Panther Day), Section 683.21, F.S. (Juneteenth Day), Section 683.22, F.S. (Law Day and Law Week), Section 683.23, F.S. (Florida Missing Children’s Day), and Section 683.24 F.S. (Florida Alzheimer’s Disease Day).

<sup>5</sup>See Section 683.06 (discussing Pascua Florida Day), and Section 683.19, F.S. (providing that the chief judge in each judicial circuit may declare Rosh Hashanah, Yom Kippur, and Good Friday as legal holidays for the courts within the circuit).

for specific counties in the state are listed in the chapter.<sup>6</sup> Section 683.01, F.S., does not authorize state offices to be closed, nor does it authorize the designated days as paid holidays for state employees. The nine holidays that are paid holidays for state employees are listed in s.110.117, F.S.<sup>7</sup>

### **III. Effect of Proposed Changes:**

The bill creates s. 683.25, F.S., to provide that December 15<sup>th</sup> of each year is designated as the “Bill of Rights Day.” The bill specifies that the Governor may issue a proclamation on each December 15<sup>th</sup> that calls upon citizens of the state to observe the occasion.

### **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 Governor’s Office may incur minimal expenses if it elects to issue an annual proclamation for “Bill of Rights Day.”

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<sup>6</sup>See Section 683.08, F.S. (designating Gasparilla Day as a legal holiday in Hillsborough County), Section 683.09, F.S. (designating Desoto Day as a legal holiday in Manatee County), and Section 683.12, F.S. (designating Parade Day as a legal holiday in Hillsborough County).

<sup>7</sup>The following holidays are paid holidays observed by all state branches and agencies: (a) New Year’s Day; (b) Birthday of Martin Luther King, third Monday in January; (c) Memorial Day; (d) Independence Day; (e) Labor Day; (f) Veterans’ Day, November 11; (g) Thanksgiving Day; (h) Friday after Thanksgiving; and (i) Christmas Day.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Proponents of this bill believe that it will encourage the people of this state to become more aware of the freedoms provided by the Bill of Rights, and to remember the sacrifices that millions of people have made in this country in the struggle for civil rights. Moreover, it is believed that the bill will remind officials and employees in all branches of government that their authority and powers are limited and that they serve the citizens, not rule them.

**VIII. Amendments:**

None.

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

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