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DATE: February 23, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS**

BILL #: HB 499

RELATING TO: Bill of Rights Day

SPONSOR(S): Representative(s) Andrews

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) STATE ADMINISTRATION
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The first ten amendments to the United States Constitution are referred to as the Bill of Rights. The Bill of Rights originated from the Founding Fathers' concern that the states retain their basic rights. The Founding Fathers wanted to "set limits on the power of the majority over the minority and the power of the government over the individual".

This bill creates s. 683.25, F.S., and designates December 15 as "Bill of Rights Day". By designating December 15 as "Bill of Rights Day", the public's awareness of the freedoms provided to them by the Bill of Rights may increase. This bill further provides that the Governor may issue every year a proclamation designating December 15 as "Bill of Rights Day", and call upon "all citizens of the state to observe the occasion".

This bill does not appear to have a fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

Bill of Rights

On December 20, 1787, Thomas Jefferson said, “[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”.¹

The first ten amendments to the United States Constitution are referred to as the Bill of Rights. Congress proposed these amendments on September 25, 1789. Ratification of the first ten amendments was completed on December 15, 1791.

The Bill of Rights originated from the Founding Fathers’ concern that the states retain their basic rights. The Founding Fathers wanted to “set limits on the power of the majority over the minority and the power of the government over the individual”.²

The first amendment provides for the freedom of religion, speech, press, and the right of the people to peaceably assemble and to petition Government. The second amendment provides for a well-regulated Militia. During a time of peace, the third amendment states that no soldier shall be housed without consent of the owner. The fourth amendment protects the people against unreasonable search and seizures. The fifth amendment provides that no person shall be deprived of life, liberty, or property, without due process of law. The right to a speedy and public trial is provided for in the sixth amendment. The right to trial by jury is preserved in the seventh amendment. The eighth amendment protects the people against excessive bail, fines, and cruel and unusual punishments. The ninth amendment states, “[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”. The tenth amendment protects each state from excessive Federal Government power.

The Bill of Rights limits and defines the powers of government; it recognizes, affirms, and protects fundamental human and civil rights, and it secures people’s basic freedoms.

¹ Edwin H. Moore, President and CEO, The James Madison Institute in Tallahassee, FL, December 15, 2000, Speech given at the first “Bill of Rights Day”.

² Martha W. Barnett, President, American Bar Association, December 15, 2000, Speech given at the first “Bill of Rights Day”.

Bill of Rights Day

House Resolution 9011 was adopted April 12, 2000. It designated December 15, 2000, as "Bill of Rights Day". On April 27, 2000, Senate Resolution 1968 was adopted; similarly, it designated December 15, 2000, as "Bill of Rights Day". These resolutions only established one day in the year 2000 as a "Bill of Rights Day". The resolutions did not address any other years.

C. EFFECT OF PROPOSED CHANGES:

This bill creates s. 683.25, F.S. It designates December 15 as "Bill of Rights Day", and provides that the Governor may issue *annually* "a proclamation designating December 15 as 'Bill of Rights Day' ", and that the Governor may call upon "all citizens of the state to observe the occasion".

D. SECTION-BY-SECTION ANALYSIS:

See "Effect of Proposed Changes".

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

Proponents of this bill believe the Bill of Rights is the “very heart of the Constitution”.³ They think the “Bill of Rights is being trashed daily . . . and it is time somebody stood up to defend it.”⁴ By designating December 15 as “Bill of Rights Day”, proponents believe that respect will be restored and that people will be made aware of the freedoms provided to them by the Bill of Rights.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

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³ Lee Coleman, Chair, The Constitution Committee of Florida, December 15, 2000, Speech given at the first “Bill of Rights Day”.

⁴ Lee Coleman, February 23, 2001, telephone conversation.